

TFA

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEALS BOARD**

Applicant: First Draft, Inc.  
Serial No.: 76/420,605  
Mark: **FERN MICHAELS**  
Filed: June 13, 2002  
Final Office Action: November 20, 2003  
Examining Attorney: Leslie L. Richards, Law Office 106

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

**NOTICE OF APPEAL**

Applicant First Draft, Inc. hereby appeals to the Trademark Trial and Appeal Board from the decision of the Trademark Examining Attorney refusing registration. The statutory fee of \$100.00 is enclosed. Please charge any deficiency to Deposit Account No. 04-0844.

To complete the record on appeal, Applicant submits herewith current TARR printouts and file wrappers of the following registrations:

- 1) Reg. No. 2,345,232 Mark: PATRICIA CORNWELL
- 2) Reg. No. 2,609,471 Mark: SYDNEY OMARR'S
- 3) Reg. No. 2,511,751 Mark: Louis L'Amour (stylized)
- 4) Reg. No. 2,151,884 Mark: LACEY DANCER
- 5) Reg. No. 2,698,054 Mark: Dr. Seuss (stylized)
- 6) Reg. No. 2,231,032 Mark: AGATHA CHRISTIE
- 7) Reg. No. 2,630,156 Mark: JRR TOLKIEN and Design

05-26-2004  
U.S. Patent & TMO/TM Mail Rpt. Dt. #40

06/07/2004 SWILSON1 00000073 76420605

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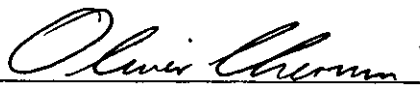
2

Furthermore, Applicant makes of record a printout of a web page, accessible at <http://www.madcatcreations.com/two/dancer.html>, confirming that "Lacey Dancer" is a pseudonym of Sydney A. Clary, the registrant of Reg. No. 2,151,884.

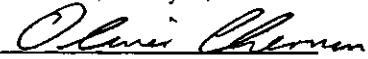
Kindly initiate this *ex parte* appeal and acknowledge receipt of the foregoing on the attached postcard.

Respectfully submitted,

May 20, 2004

  
\_\_\_\_\_  
Oliver R. Chernin  
McLaughlin & Stern, LLP  
260 Madison Avenue  
New York, New York 10016  
(212) 448-1100  
Attorneys for Applicant

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514, on May 20, 2004

  
\_\_\_\_\_  
Oliver R. Chernin

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2004-05-20 12:23:15 ET

**Serial Number:** 76270796

**Registration Number:** 2609471

**Mark (words only):** SYDNEY OMARR'S

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2002-08-20

**Filing Date:** 2001-06-12

**Transformed into a National Application:** No

**Registration Date:** 2002-08-20

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

**Current Location:** 900 -Warehouse (Newington)

**Date In Location:** 2004-05-14

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Writers House LLC

**Address:**

Writers House LLC  
21 W. 26th St.  
New York, NY 10010  
United States

**Legal Entity Type:** LIMITED LIABILITY CORPORATION

**State or Country Where Organized:** New York

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**GOODS AND/OR SERVICES**

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SERIES OF BOOKS IN THE FIELD OF ASTROLOGY

**International Class:** 016

**First Use Date:** 1956-01-00

**First Use in Commerce Date:** 1956-01-00

**Basis:** 1(a)

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**ADDITIONAL INFORMATION**

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**Name Portrait Consent:** The name "Sydney Omarr" identifies a living individual whose consent is of record.

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2002-08-20 - Registered - Principal Register

2002-05-28 - Published for opposition

2002-05-08 - Notice of publication

2002-02-01 - Approved for Pub - Principal Register (Initial exam)

2002-01-07 - Communication received from applicant

2001-09-11 - Non-final action mailed

2001-09-10 - Case file assigned to examining attorney

---

**CONTACT INFORMATION**

---

**Correspondent (Owner)**

Steven R. Gursky (Attorney of record)

STEVEN R. GURSKY  
GURSKY & EDERER, LLP  
1350 BROADWAY FL 11  
NEW YORK NY 10018-7702

**Phone Number:** (212) 904-1234

---

76-2



**FILING DATE**  
June 12, 2001

**ORIGINAL APPLICANT**  
Writers House LLC

**GOODS/SERVICES (CLASS 016)**  
books

**FILING BASIS**  
USE

**ORIGINAL CORRESPONDENT**  
STEVEN R. GURSKY

SYDNEY ON

SYDNE

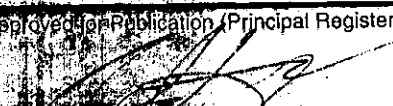
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LAW O

76-2

*Thompson*

ATTORNEY ADVISOR: \_\_\_\_\_

Approved for Publication (Principal Register) (Signature/Date)  2/18/02
Approved for Registration (Section 1(d)) (Signature/Date)
Approved for Registration (Supplemental Register) (Signature/Date)

**PUBLISHED**  
05/28/02

NOA

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(Date)

Entry

Date

Initials

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**Int. Cl.: 16**

**Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50**

**United States Patent and Trademark Office**

**Reg. No. 2,609,471**

**Registered Aug. 20, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**SYDNEY OMARR'S**

**WRITERS HOUSE LLC (NEW YORK LIMITED  
LIABILITY CORPORATION)  
21 W. 26TH ST.  
NEW YORK, NY 10010**

**THE NAME "SYDNEY OMARR" IDENTIFIES A  
LIVING INDIVIDUAL WHOSE CONSENT IS OF  
RECORD.**

**FOR: SERIES OF BOOKS IN THE FIELD OF  
ASTROLOGY, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23,  
29, 37, 38 AND 50).**

**SER. NO. 76-270,796, FILED 6-12-2001.**

**FIRST USE 1-0-1956; IN COMMERCE 1-0-1956.**

**LAVERNE THOMPSON, EXAMINING ATTORNEY**

76270796

TRADEMARK APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

86/19/2001 SWILSON 00000022 76270796

01 FC:361

325.00 00



**GURSKY & EDERER**  
ATTORNEYS AT LAW

STEVEN R. GURSKY  
LOUIS S. EDERER  
MITCHELL B. STERN  
MARTIN J. FEINBERG  
MICHAEL A. LEVINE

WALTER ELIOT BARD\*  
BARRY M. BERNSTEIN, P.C.\*  
DEBRA BODIAN BERNSTEIN  
LAUREN A. DIENES-MIDDLEN  
NEIL B. FRIEDMAN  
MARY L. GRIECO  
ELLEN KON GURSKY\*  
JOHN MALTBIE  
ROBERT S. OGDEN  
ANTONIO J. OTERO\*  
MICHAEL PANTALONY  
VICTORIA W. THOMAS  
SIMON YOON

June 13, 2001

GURSKY & EDERER, LLP  
1350 BROADWAY  
11TH FLOOR  
NEW YORK, NEW YORK 10018  
TEL: (212) 904-1234  
FAX: (212) 967-4465  
WEBSITE: WWW.GURSKY-EDERER.COM

\*OF COUNSEL  
ATTORNEYS ADMITTED TO PRACTICE IN  
NEW YORK, NEW JERSEY, CALIFORNIA,  
FLORIDA, DISTRICT OF COLUMBIA,  
MASSACHUSETTS, CONNECTICUT,  
GEORGIA AND CANADA

**BY EXPRESS MAIL**# EL613229717US  
NEW APP FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Re: Trademark/Service Mark Application - Actual Use  
Applicant : Writers House LLC  
Mark : SYDNEY OMARR  
International Class : 16  
Attorney Docket : WH01 USA A16

Dear Sir:

We are enclosing herewith the following documents in connection with the filing of the above-identified Actual Use trademark/service mark application on the Principal Register:

- (X) An executed Application covering one (1) class;
- (X) Power of Attorney;
- (X) Declaration;
- (X) A drawing page;
- (X) Three specimens per class;
- (X) A check in the sum of \$325.00 (for the one class);
- (X) Certificate of Express Mail # EL613229717US; and
- (X) An acknowledgment postcard.
- (X) Letter of Consent

It is requested that the application be assigned a serial number and filing date and that the formal Filing Receipt be forwarded to the undersigned in due course. Please acknowledge receipt by date stamping the enclosed postcard.

The Commissioner is authorized to charge any additional fee which may be required to our Deposit Account No. 07-2490.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**APPLICATION FOR TRADEMARK REGISTRATION**

PRINCIPAL REGISTER

Mark : SYDNEY OMARR  
Class : 16

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

**APPLICANT'S NAME, ADDRESS & ENTITY TYPE:**

Applicant : Writers House LLC  
Address : 21 W. 26<sup>th</sup> St.  
New York, NY 10010  
Entity : A New York Limited Liability Corporation

**GOODS AND/OR SERVICES:**

Applicant requests registration of the above identified mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et seq., as amended) for the following goods:

Books in Class 16

**BASIS FOR APPLICATION:**

Applicant is using the trademark on labels and packaging for the goods, on the goods themselves, and in other ways customary to the trade on or in connection with the above-identified goods. (15 U.S.C. 1051(a), as amended). Three specimens, per class, showing the mark as actually used in commerce are submitted with this application.

The mark was first used at least as early as January, 1956; was used in interstate commerce at least as early as January, 1956 and is now in such use.

The name shown in the mark identifies a living individual whose consent is enclosed herewith.

PR-157

**POWER OF ATTORNEY**

Applicant appoints Steven R. Gursky, Louis S. Ederer, Mary L. Grieco, and Lauren A. Dienes-Middlen, all members of the Bar of the State of New York and the firm of Gursky & Ederer, LLP, 1350 Broadway, 11<sup>th</sup> Floor, New York, NY 10018 (212) 904-1234, as its attorneys to prosecute this application to register with full powers of substitution and revocation, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Certificate of Registration. **Please address all correspondence in this matter to the attention of Steven R. Gursky.**

**DECLARATION**

The undersigned, being hereby warned that willful statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that

he is an officer of the applicant herein and that he is properly authorized to execute this application on behalf of applicant; he believes the applicant to be the owner of the trademark sought to be registered or, if the application is being filed under U.S.C. 1051(b), he believes applicant to be entitled to use such a mark in commerce; to the best of his knowledge and belief no other person, firm, corporation or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

WRITERS HOUSE LLC.

Dated: 5/25/01

By: Albert J. Zuckerman  
Its: President

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

----- X  
In re Application of: :  
WRITERS HOUSE LLC :  
Serial No: : Examining Attorney:  
Filed: : Law Office:  
Mark: SYDNEY OMARR :  
Class: 16 :  
----- X

BOX RESPONSES - NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

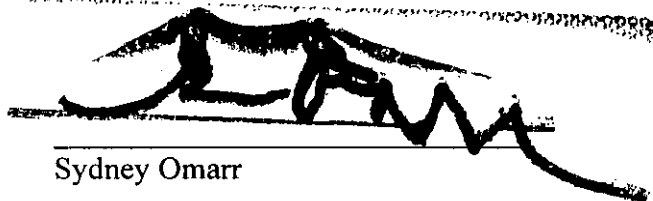
SIR:

**CONSENT TO REGISTER**

FEINT

I, Sydney Omarr, hereby consent to the use and registration by Writers House LLC of my  
name as a trademark.

Signed at Los Angeles, Calif., USA, this 4th day of  
JUNE, 2001.

  
Sydney Omarr

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Certificate of Express Mail under 37 C.F.R. 1.10

APPLICANT - Writers House LLC

MARK - SYDNEY OMARR

TITLE OF PAPER - Trademark/Service Mark Application based upon Actual Use

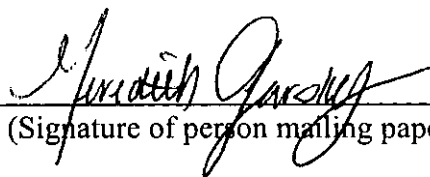
"Express Mail" mailing label number: EL613229717US

Date of Deposit: June 13, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service as Express Mail, postage prepaid under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513

\_\_\_\_\_  
MEREDITH GURSKY

(Typed or printed name of person mailing paper or fee)

\_\_\_\_\_  


(Signature of person mailing paper or fee)

Respectfully yours,

GURSKY & EDERER, LLP

By:

MARY L. GRIECO

MLG: mpg

06-12-2001

U.S. Patent & TMO/c/TM Mail Rpt Dt. #11

APPLICANT: Writers House LLC

ADDRESS: 21 W. 26<sup>th</sup> St.  
New York, NY 10010

GOODS/SERVICES: Books in Class 16

DATE OF FIRST USE: At least as early as January, 1956

DATE OF FIRST USE  
IN COMMERCE: At least as early as January, 1956

SYDNEY OMARR

*Cancel*

---

ATTORNEYS:  
Gursky & Ederer, LLP  
1350 Broadway, 11<sup>th</sup> Floor  
New York, NY 10018  
(212) 904-1234

PUBLISHED  
05/28/02

TRADEMARK

762-0796





SIGNET

# CANCER

## SYDNEY OMARHO

DAY-BY-DAY ASTROLOGICAL GUIDE  
FOR THE NEW MILLENNIUM

### CANCER HOROSCOPES

JUNE 21 - JULY 21

# 2001



WIN A  
PERSONALIZED  
HOROSCOPE!  
SEE INSIDE BOOK  
FOR DETAILS

18 MONTHS OF DAILY  
FROM JULY 2000 TO DECEMBER 2001



SIGNET

# TAURUS

## SYDNEY OMARHO

DAY-BY-DAY ASTROLOGICAL GUIDE  
FOR THE NEW MILLENNIUM

### TAURUS HOROSCOPES

APRIL 20 - MAY 20

# 2001



WIN A  
PERSONALIZED  
HOROSCOPE!  
SEE INSIDE BOOK  
FOR DETAILS

18 MONTHS OF DAILY HOROSCOPES  
FROM JULY 2000 TO DECEMBER 2001

# UNITED STATES PATENT AND TRADEMARK OFFICE

<b>SERIAL NO.</b> 76/270796 Writers House LLC		<b>APPLICANT</b> SYDNEY OMARR		<b>PAPER NO.</b>	
<b>MARK</b> SYDNEY OMARR		<b>ADDRESS</b> STEVEN R. GURSKY GURSKY & EDERER, LLP 1350 BROADWAY FL 11 NEW YORK NY 10018-7702		<b>ADDRESS:</b> Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513 <a href="http://www.uspto.gov">www.uspto.gov</a>	
		<b>ACTION NO.</b> 01		If no fees are enclosed, the address should include the words "Box Responses - No Fee."  Please provide in all correspondence:  1. Filing Date, serial number, mark and Applicant's name. 2. Mailing date of this Office action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code.	
		<b>MAILING DATE</b> 09/11/01			
		<b>REF. NO.</b> 0101 USA A16			
FORM PTO-1525 (5-90)		U.S. DEPT. OF COMM. & TM OFFICE			

**A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.** For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

RE: Serial Number: 76/270796

The assigned examining attorney has reviewed the referenced application and determined the following.

## IDENTIFICATION OF GOODS

The identification of goods is unacceptable as indefinite. The applicant must indicate the books are a series as well as the subject matter or field of the books. The applicant may adopt the following identification, if accurate: series of books on astrology. TMEP section 804.

## DRAWING & SPECIMEN

The drawing displays the mark as SYDNEY OMARR. However, this differs from the display of the mark on the specimen, where it appears as SYDNEY OMARR'S. The applicant must either:

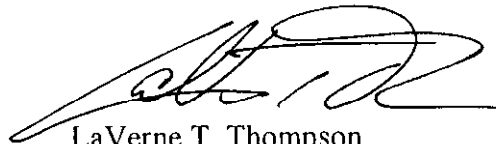
- (1) submit a new drawing of the mark that agrees with the specimen; or
- (2) submit a substitute specimen that shows use of the mark shown in the drawing.

37 C.F.R. Section 2.51; TMEP section 807.14. The applicant may not amend the drawing if the amendment would materially alter the character of the mark. 37 C.F.R. Section 2.72(a); TMEP section 807.14(a).

If a substitute specimen is submitted, the applicant must verify, with an affidavit or a declaration under 37 C.F.R. Section 2.20, that the substitute specimen was in use in commerce at least as early as the filing date of the application. 37 C.F.R. Sections 2.59(a) and 2.72(a); TMEP section 905.10.

#### SEARCH

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

A handwritten signature in black ink, appearing to read 'L. Thompson', is written over the printed name.

LaVerne T. Thompson  
Trademark Attorney  
Law Office 113  
(703) 308-9113 x124

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:02	"writers house"[ow]
02	131	65	28	28	0:01	*s{"iy"}dn*[bi,ti]
03	804	N/A	0	0	0:01	*omar*[bi,ti]
04	1	N/A	0	0	0:01	2 and 3
05	411	N/A	0	0	0:05	3 not "dead"[ld]
06	184	0	6	6	0:05	5 and "016"[cc]

Session started 9/10/01 10:06:17 AM

Session finished 9/10/01 10:11:19 AM

Total search duration 0:15 minutes

Session Duration 5:02 minutes

Default NEAR limit= 1 ADJ limit= 1

**GURSKY & EDERER**  
ATTORNEYS AT LAW

STEVEN R. GURSKY  
LOUIS S. EDERER  
MITCHELL B. STERN  
MARTIN J. FEINBERG  
MICHAEL A. LEVINE

BARRY M. BERNSTEIN, P.C.\*  
DEBRA BODIAN BERNSTEIN  
NEIL B. FRIEDMAN  
MARY L. GRIECO  
ELLEN KON GURSKY\*  
JOSEPH H. LESSEM  
JOHN MALTBIE  
DOUGLAS M. NADJARI  
ROBERT S. OGDEN\*  
MICHAEL D. PANTALONY  
VINCENT J. WISCOVITCH  
SIMON YOON

01-07-2002  
U.S. Patent & TMO/TM Mail Rpt Dt. #74

January 7, 2002

GURSKY & EDERER, LLP  
1350 BROADWAY  
11TH FLOOR  
NEW YORK, NEW YORK 10018  
TEL: (212) 904-1234  
FAX: (212) 967-4465  
WEBSITE: WWW.GURSKY-EDERER.COM

\* OF COUNSEL  
ATTORNEYS ADMITTED TO PRACTICE IN  
NEW YORK, NEW JERSEY, CALIFORNIA,  
FLORIDA, DISTRICT OF COLUMBIA,  
MASSACHUSETTS, CONNECTICUT,  
GEORGIA AND ONTARIO

**BY EXPRESS MAIL #EV004331396US**

Box: RESPONSES - NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Re: Response to Office Action:  
Applicant : Writer's House, LLC  
Mark : SYDNEY OMARR  
Serial No. : 76/270,796  
Attorney Docket : WH01 USA A16

RECEIVED  
2002 JAN 10 A 11:11  
TMO  
LAW OFFICE 113

Dear Sir:

We enclose herewith the following documents in connection with the filing of the above identified Response to Office Action:

- (X) Response to Office Action;
- (X) Certificate of Express Mail; and
- (X) An acknowledgment postcard.

Please acknowledge receipt of the above-referenced documents by date stamping the enclosed postcard.

The Commissioner is authorized to charge any additional fee which may be required to our deposit account No. 07-2490.

Respectfully submitted,

GURSKY & EDERER, LLP

By:

Stacey C. Chesser, Esq.

SCC:ea

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

-----X  
**In re Application of**

Applicant : WRITER'S HOUSE, LLC.  
Serial No. : 76/270796  
Filed : June 12, 2001  
Mark : SYDNEY OMARR  
-----X

**01-07-2002**

U.S. Patent & TMO/TM Mail Rpt Dt. #74

BOX RESPONSES - No Fee  
Assistant Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**RESPONSE TO OFFICE ACTION**

Sir:

This is in response to the Office Action dated September 11, 2001.

**RESPONSIVE AMENDMENT**

In response to the Office Action No. 1, mailed September 11, 2001, kindly amend the application as follows:

✓ *A series of books in the field of astrology, in International Class 16.*

In addition, please amend the application, consistent with the amended drawing attached hereto, so that the mark sought to be registered appears as:

SYDNEY OMARR'S

**REMARKS**

The Examining Attorney found the identification of certain goods to be unacceptable as indefinite. Applicant has now amended its application to reflect the Examining Attorney's suggestions regarding the identification of goods.

The Examining Attorney also found that the drawing of the mark differed from the

display of the mark on the specimen. Applicant has now amended the drawing of the mark so that it agrees with the specimen.

In view of the above amendments, the above remarks, and the favorable search results, it is submitted that the present application is now in condition for further and favorable action, which is earnestly solicited.

Respectfully submitted,  
GURSKY & EDERER, LLP  
1350 Broadway, 11<sup>th</sup> Floor  
New York, New York 10018  
(212) 904-1234

By:

  
MARY L. GRIECO

AMENDED DRAWING

16,270,796

INIT CL
16
PRIOR US CL

APPLICANT: Writers House LLC

ADDRESS: 21 W. 26<sup>th</sup> St.  
New York, NY 10010

GOODS/SERVICES: A series of books in the field of astrology, in International Class  
16

DATE OF FIRST USE: At least as early as January, 1956

DATE OF FIRST USE  
IN COMMERCE: At least as early as January, 1956

SYDNEY OMARR'S

---

ATTORNEYS:  
Gursky & Ederer, LLP  
1350 Broadway, 11<sup>th</sup> Floor  
New York, NY 10018



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Certificate of Express Mail under 37 CFR 1.10**

Serial No. : 76/270,796

Applicant : Writer's House, LLC

Title of Paper : Response to Office Action

"Express Mail" mailing label number: EV004331396US

Date of Deposit : January 7, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231.

Erica Almonte

---

(Typed or printed name of person mailing paper or fee)



---

(Signature of person mailing paper or fee)



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT COMMISSIONER FOR TRADEMARKS  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

May 8, 2002

NOTICE OF PUBLICATION UNDER 12(a)

- |                                      |                                    |
|--------------------------------------|------------------------------------|
| 1. Serial No.:<br>76/270,796         | 2. Mark:<br>SYDNEY OMARR'S         |
| 3. International Class(es):<br>16    |                                    |
| 4. Publication Date:<br>May 28, 2002 | 5. Applicant:<br>Writers House LLC |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: (202)512-1800

By direction of the Commissioner.

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2004-05-20 12:22:51 ET**

**Serial Number:** 75683381

**Registration Number:** 2345232

**Mark (words only):** PATRICIA CORNWELL

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2000-04-25

**Filing Date:** 1999-04-15

**Transformed into a National Application:** No

**Registration Date:** 2000-04-25

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 106

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 900 -Warehouse (Newington)

**Date In Location:** 2004-05-13

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. CORNWELL, PATRICIA

**Address:**

CORNWELL, PATRICIA  
c/o Cornwell Enterprises, Inc. P.O. Box 35686  
Richmond, VA 23235  
United States

**Legal Entity Type:** Individual

**Country of Citizenship:** United States

---

**GOODS AND/OR SERVICES**

---

series of fiction books

**International Class:** 016

**First Use Date:** 1994-08-00

**First Use in Commerce Date:** 1994-08-00

**Basis:** 1(a)

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**ADDITIONAL INFORMATION**

---

(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

---

2000-04-25 - Registered - Principal Register

2000-02-01 - Published for opposition

1999-12-30 - Notice of publication

1999-12-02 - Approved for Pub - Principal Register (Initial exam)

1999-10-13 - Examiner's amendment mailed

1999-10-12 - Case file assigned to examining attorney

1999-09-30 - Non-final action mailed

1999-09-29 - Case file assigned to examining attorney

---

**CONTACT INFORMATION**

---

**Correspondent (Owner)**

Neil J. Rosini (Attorney of record)

NEIL J. ROSINI  
FRANKLIN, WEINRIB, RUDELL & VASSALLO  
488 MADISON AVENUE  
NEW YORK, NEW YORK 10022

---



TYPED DRAWING

PATRICIA CORNWELL

LAW OFFICE

PRINCIPAL

ATTORNEY ADVISOR:

Victoria Williams

Examining Attorney—(Please Print Name)

Victoria Williams

Date Published in Trademark O.G.

Approved for Publication (Principal Register)—(Signature)

Section 8 Accepted—(Signature)

Approved for Registration (Section 1(d))—(Signature)

**PUBLISHED**  
**2/01/00 11**

Approved for Registration (Supplemental Register)—(Signature)

Entry

Date

Initials

SEP 30 1999

*[Handwritten initials]*

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☐ See inside of file for additional entries.

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 2,345,232

**United States Patent and Trademark Office**

Registered Apr. 25, 2000

**TRADEMARK  
PRINCIPAL REGISTER**

**PATRICIA CORNWELL**

CORNWELL, PATRICIA (UNITED STATES  
CITIZEN)  
C/O CORNWELL ENTERPRISES, INC.  
P.O. BOX 35686  
RICHMOND, VA 23235

FIRST USE 8-0-1994; IN COMMERCE  
8-0-1994.

SER. NO. 75-683,381, FILED 4-15-1999.

FOR: SERIES OF FICTION BOOKS, IN  
CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND  
50).

VICTORIA WILLIAMS, EXAMINING ATTOR-  
NEY

75683381

TRADEMARK APPLICATION SERIAL NO. \_\_\_\_\_

SER206

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

04/23/1999 CMAY11 00000081 75683381

01 FC:361

\$45.00 GP



FRANKLIN, WEINRIB, RUDELL & VASSALLO, P.C.

ATTORNEYS AT LAW

488 MADISON AVENUE, NEW YORK, NY 10022-5761

TELEPHONE: (212) 935-5500

TELECOPIER: (212) 308-0642

JOHN A. VASSALLO  
MICHAEL I. RUDELL\*  
NICHOLAS GORDON  
JONATHAN DIRECTOR  
ELLIOT H. BROWN\*\*  
RICHARD A. ABRAMS  
NEIL J. ROSINI<sup>0</sup>  
ROSE H. SCHWARTZ  
DANIEL M. WASSER<sup>0</sup>  
KENNETH M. WEINRIB  
RICHARD A. BEYMAN  
BRIAN D. BERK  
ERIC S. BROWN

\* ALSO ADMITTED CALIFORNIA  
\*\* ALSO ADMITTED PENNSYLVANIA  
<sup>0</sup> ALSO ADMITTED NEW JERSEY

CHEY P. BLAKE  
JASON P. BARUCH\*  
PALISA R. KELLEY  
JONATHAN A. LONNER\*  
MATTHEW C. LEFFERTS

LEONARD FRANKLIN  
1938-1995

STEPHEN WEINRIB  
1948-1987

April 12, 1999

BY CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Re: "Patricia Cornwell"

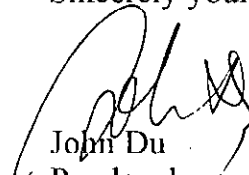
Dear Sir:

On behalf of Patricia Cornwell, I enclose an application along with two (2) original specimens and two (2) copies thereof for the registration of the captioned mark under international class 16 on an in-use basis.

I also enclose a check in the amount of \$245 made payable to "U.S. Patent & Trademark Office" for the filing fee.

Thank you.

Sincerely yours,

  
John Du  
Paralegal

JD/

Enclosure

cc: Ms. Portia J. Butler  
Michael I. Rudell, Esq.  
Neil J. Rosini, Esq.

160862/3611/00

**TRADEMARK, SERVICE MARK APPLICATION,  
PRINCIPAL REGISTER, WITH DECLARATION**

Mark: PATRICIA CORNWELL (Word)

Class No.: 16

ASSISTANT COMMISSIONER FOR TRADEMARKS  
2900 Crystal Drive  
Arlington, VA 22202-3513

Applicant: PATRICIA CORNWELL

Mailing Address: c/o Cornwell Enterprises, Inc., P.O. Box 35686, Richmond, VA 23235

The above identified applicant, a citizen of the United States, hereby requests registration of the above-identified trademark shown in this accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended) for a series of novels in book form (Class 16).

The applicant is using the mark on or in connection with the above-identified goods (15 U.S.C. 1051(a), as amended).

Date of first use of the mark anywhere: at least as early as August 1994

Date of first use of the mark in interstate commerce: at least as early as August 1994

The trademark is now in use in interstate commerce in connection with all such goods under such class.

The mark is used by applying it to book jackets in a series of books, and in ways customary to the trade. Three specimens showing the mark as actually used are presented herewith.

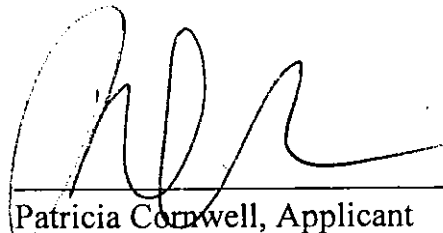
#### POWER OF ATTORNEY

Applicant hereby appoints Neil J. Rosini, Esq., a member of the law firm Franklin, Weinrib, Rudell & Vassallo, P.C., 488 Madison Avenue, New York, New York 10022, member of the bar of the States of New York and New Jersey, as attorney to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration.

#### DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that she is the above-mentioned applicant, the owner of the trademark sought to be registered; to the best of her knowledge and belief no other person, firm, corporation or association not licensed by the applicant has the right to use the above-identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistakes, or to deceive; the trademark is now in use in interstate commerce; and all statements made of her own knowledge are true and all statements made on information and belief are believed to be true.

Date: 4/6/99



Patricia Cornwell, Applicant

INT CLASS

16	

DRAWING

Applicant: PATRICIA CORNWELL

Mailing Address: c/o Cornwell Enterprises, Inc., P.O. Box 35686, Richmond, VA  
23235

Typical Items: a series of books featuring fictional stories

Date of first use  
of the mark anywhere: at least as early as August 1994

Date of first use  
of the mark in  
interstate commerce: at least as early as August 1994

PATRICIA CORNWELL

**PUBLISHED**  
**2/01/00 11**

**TRADEMARK**

158765/1/JDU/3611/0000/03/29/99

75683381

PATRICIA CORNWELL

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PATRICIA  
CORNWELL

southern  
cross

75683381

SER206

U.S.A. \$25.95  
Canada \$36.99

# PATRICIA CORNWELL

## southern Cross

The nation's premier crime writer, author of the number-one *New York Times* best-seller *Hornet's Nest*, again casts her shrewd and knowing eye at the beleaguered, stormy center of a big-city police force.

Patricia Cornwell has a sixth sense about the men and women in blue. In *Hornet's Nest*, her page-turning satirical novel about crime and police in Charlotte, North Carolina, Cornwell moved behind the badges of these real-life heroes to uncover flesh-and-blood characters who strode through her pages as vulnerable, passionate, brave, sometimes comical, always fascinating figures.

In *Southern Cross*, Cornwell takes us even closer to the sometimes zany (but always threatening) experiences of big-city police, in a story of corruption, scandal, and robberies that escalate to murder. This time, the setting is Richmond, Virginia, where former Charlotte police chief Judy Hammer has been brought, by an NIJ grant, to clean up the police force. Reeling from the recent death of her husband,



04-15-1999

U.S. Patent & TMOic/TM Mail Rcpt Dt. #61

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U.S. Patent & TMO/c/TM Mail Rcpt Dt. #61

ISBN 0-399-14394-7



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**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

<b>SERIAL NO.</b> 75/683381 <b>APPLICANT</b> CORNWELL, PATRICIA <b>MARK</b> PATRICIA CORNWELL <b>ADDRESS</b> NEIL J. ROSINI FRANKLIN, WEINRIB, RUDELL & VASSALLO 488 MADISON AVENUE NEW YORK, NEW YORK 10022		<b>PAPER NO.</b>  <b>ADDRESS:</b> Assistant Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513 <small>If no fees are enclosed, the address should include the words "Box Responses - No Fee."</small>
<b>ACTION NO.</b>  <b>MAILING DATE</b> SEP 30 1999 <b>REF. NO.</b>		<small>Please provide in all correspondence:</small> <ol style="list-style-type: none"><li>1. Filing Date, serial number, mark and Applicant's name.</li><li>2. Mailing date of this Office action.</li><li>3. Examining Attorney's name and Law Office number.</li><li>4. Your telephone number and ZIP code.</li></ol>

FORM PTO-1525 (5-90) U.S. DEPT. OF COMM. PAT. & TM OFFICE

**A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.** For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

RE: Serial Number: 75/683381 **PATRICIA CORNWELL**

The assigned examining attorney has reviewed the referenced application and determined the following.


The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

**IDENTIFICATION NEEDS EDITING**

**Class 16:**

The identification should be changed to "Series of fiction books" in class 16.

**PLEASE NOTE:** All of the issues raised can be resolved by telephone. The applicant may telephone the examining attorney, instead of submitting a written response, to expedite the application.



Victoria D. Williams  
Trademark Attorney  
Law Office 106  
(703) 308-9106 ext. 231

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	234	N/A	0	0	0:01	*patri{"sc"}*[bi,ti]
02	13	3	2	2	0:01	*{"ckq"}ornwel*[bi,ti]
03	1	0	1	1	0:01	1 and 2
04	114	0	11	11	0:06	1 not dead[ld] <i>al vw</i>

Session started 9/29/99 7:52:59 PM  
 Session finished 9/29/99 7:54:25 PM  
 Total search duration 0:09 minutes  
 Session Duration 1:26 minutes

Default NEAR limit= 1 ADJ limit= 1

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

<b>SERIAL NO.</b> 75/683381 CORNWELL, PATRICIA		<b>PAPER NO.</b> 2A
<b>APPLICANT</b> PATRICIA CORNWELL		<b>ADDRESS:</b> Assistant Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513  If no fees are enclosed, the address should include the words "Box Responses - No Fee."
<b>MARK</b> PATRICIA CORNWELL		
<b>ADDRESS</b> NEIL J. ROSINI FRANKLIN, WEINRIB, RUDELL & VASSALLO 488 MADISON AVENUE NEW YORK, NEW YORK 10022		<b>MAILING DATE</b> 10/13/99
<b>ACTION NO.</b> 02		
<b>REF. NO.</b>		<b>Please provide in all correspondence:</b>  1. Filing Date, serial number, mark and Applicant's name. 2. Mailing date of this action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code.
<b>FORM PTO-1525 (5-90)</b> <b>U.S. DEPT. OF COMM. PAT. &amp; TM OFFICE</b>		

**EXAMINER'S AMENDMENT**

<b>EXAMINING ATTORNEY</b> Victoria D. Williams	<b>PERSON CALLED/INTERVIEWED</b> Neil Rosini	<b>TELEPHONE NUMBER</b> 212-935-5500
<b>PERSONAL INTERVIEW</b> X	<b>INTERVIEW DATE</b> October 12, 1999	<b>ATTORNEY</b> X

**CALL RECORD/NOTES**

OFFICE SEARCH: The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

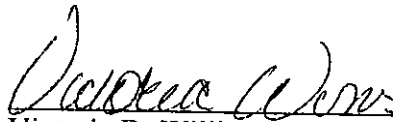
RE: Serial Number 75/683381

In accordance with the authorization granted by the above Applicant or attorney, the application has been AMENDED as indicated below. No response is necessary unless there is an objection to the amendment.

Identification:

Class 16:

✓ Please change the identification to "Series of fiction books" in class 16.

  
Victoria D. Williams  
Trademark Attorney  
Law Office 106  
703-308-9106 x231



Patent and Trademark Office

ASSISTANT COMMISSIONER FOR TRADEMARKS  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Dec 30, 1999

NOTICE OF PUBLICATION UNDER 12(a)

- |                                     |                                     |
|-------------------------------------|-------------------------------------|
| 1. Serial No.:<br>75/683,381        | 2. Mark:<br>PATRICIA CORNWELL       |
| 3. International Class(es):<br>16   |                                     |
| 4. Publication Date:<br>Feb 1, 2000 | 5. Applicant:<br>CORNWELL, PATRICIA |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained at \$38.00 each for domestic orders, or at \$47.50 each for foreign orders from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: (202)512-1800

By direction of the Commissioner.

*Louis L'Amour*  
(words only): LOUIS L'AMOUR

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2001-11-27

**Filing Date:** 2000-01-24

**Transformed into a National Application:** No

**Registration Date:** 2001-11-27

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 112

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 900 -Warehouse (Newington)

**Date In Location:** 2004-05-14

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Trustee of the Louis D. and Katherine E. L'Amour 1983 Trust, a California trust, the trustee comprising Katherine E. L'Amour, a U.S. citizen, The

**Address:**

Trustee of the Louis D. and Katherine E. L'Amour 1983 Trust, a California trust, the trustee comprising Katherine E. L'Amour, a U.S. citizen, The  
100 Loring Avenue

<http://tarr.uspto.gov/servlet/tarr?regser=registration&entry=2511751&action=Request+Sta...> 5/20/2004

**FILING DATE**  
January 24, 2000

**ORIGINAL APPLICANT**  
L' Amour, Katherine E.

**GOODS/SERVICES (CLASS 016)**  
series of fiction books

**FILING BASIS**  
ITU  
USE

**ORIGINAL CORRESPONDENT**  
JILL M. PIETRINI

**PUBLISHED**  
9/04/01

**ATTORNEY ADVISOR:**

William Brockmeyer

Approved for Publication (Principal Register) (Signature/Date)

William Brockmeyer 6/28/01

Approved for Registration (Section 1(d)) (Signature/Date)

Approved for Registration (Supplemental Register) (Signature/Date)

NOP

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Abandoned

(Date)

Los Angeles, CA 90024

United States

**Legal Entity Type:** TRUST**State or Country Where Organized:** California

---

**GOODS AND/OR SERVICES**

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series of fiction books

**International Class:** 016**First Use Date:** 1981-07-00**First Use in Commerce Date:** 1981-07-00**Basis:** 1(a)

---

**ADDITIONAL INFORMATION**

---

**Name Portrait Consent:** THE MARK DOES NOT IDENTIFY A LIVING INDIVIDUAL.**Prior Registration Number(s):**

1866363

---

**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

---

2001-11-27 - Registered - Principal Register

2001-09-04 - Published for opposition

2001-08-15 - Notice of publication

2001-06-29 - Approved for Pub - Principal Register (Initial exam)

2001-04-16 - Communication received from applicant

2000-10-19 - Unresponsive paper received

2000-12-08 - Communication received from applicant

2000-12-11 - Non-final action mailed

2000-12-08 - Case file assigned to examining attorney

2000-06-30 - Case file assigned to examining attorney

2000-06-29 - Case file assigned to examining attorney

2000-06-21 - Case file assigned to examining attorney



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Int. Cl.: 16

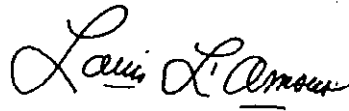
Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

**United States Patent and Trademark Office**

Reg. No. 2,511,751

Registered Nov. 27, 2001

**TRADEMARK  
PRINCIPAL REGISTER**



TRUSTEE OF THE LOUIS D. AND KATHERINE  
E. L'AMOUR 1983 TRUST, A CALIFORNIA  
TRUST, THE TRUSTEE COMPRISING KA-  
HERINE E. L'AMOUR, A U.S. CITIZEN, THE  
(CALIFORNIA TRUST)  
100 LORING AVENUE  
LOS ANGELES, CA 90024

FOR: SERIES OF FICTION BOOKS, IN CLASS 16  
(U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 7-0-1981; IN COMMERCE 7-0-1981.

OWNER OF U.S. REG. NO. 1,866,363.

THE MARK DOES NOT IDENTIFY A LIVING  
INDIVIDUAL.

SER. NO. 75-902,019, FILED 1-24-2000.

WILLIAM BRECKENFELD, EXAMINING ATTOR-  
NEY

75902019

TRADEMARK APPLICATION SERIAL NO. \_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

02/02/2000 JHARLEY 00000177 75902019

01 FC:361

325.00 0P

PTO-1555  
(5/87)

**MANATT  
PHELPS  
PHILLIPS**  
ATTORNEYS AT LAW

Jill M. Pietrini  
Direct Dial: (310) 312-4325  
Internet: jpietrini@manatt.com

January 24, 2000

*Via Express Mail*  
**Label No. EL290095455US**  
File No: 06892-033

Assistant Commissioner for Trademarks  
Box: TRADEMARK APPLICATION  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

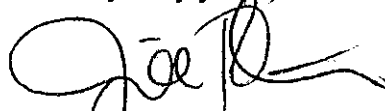
**Re: Applicant: Katherine E. L'Amour  
United States Trademark Application  
Mark: LOUIS L'AMOUR (Stylized)  
International Class: 16**

Dear Sir:

Enclosed herein is the trademark application for the mark LOUIS L'AMOUR (Stylized). Also enclosed are three (3) specimens of the mark in use.

We are enclosing our firm check in the amount of \$325.00 for the filing fee for one class. Please charge any additional fees or credit any overpayments to our Deposit Account No. 131 241. A duplicate copy of this letter is enclosed for this purpose. Please direct all communications regarding this matter to the undersigned.

Very truly yours,



Jill M. Pietrini  
MANATT, PHELPS & PHILLIPS, LLP

Enclosures:

- (1) Application
- (2) Specimen (1)
- (3) Transmittal letter (orig. + copy)
- (4) Postcard
- (5) Check (\$325.00)

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Label No. EL290095455US in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Box TRADEMARK APPLICATION, Arlington, Virginia 22202-3513, on this 24th day of January 2000.

  
Craig M. Tappa

M:\LosAngeles\ClientMatter\06892\033\CT.5529id9.0000c.doc

MANATT PHELPS & PHILLIPS, LLP

11355 West Olympic Boulevard, Los Angeles, California 90064 - 1614 • 310-312-4000 • FAX 310-312-4224  
Los Angeles • Menlo Park • Nashville • Washington, D.C.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK APPLICATION, PRINCIPAL REGISTER

Mark: LOUIS L'AMOUR (Stylized)

International Class: 16

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Sir:

Applicant, Katherine E. L'Amour, is Trustee of the Louis D. and Katherine E. L'Amour 1983 Trust, a California trust, the trustees comprising only Katherine E. L'Amour, a United States citizen, and has a principal business address of 100 Loring Avenue, Los Angeles, California 90024.

The above-identified Applicant has adopted and is using the trademark shown in the accompanying drawing for a series of fiction books in International Class 16 and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946.

The mark was first used in connection with the aforementioned goods in International Class 16 at least as early as July 1981, and was first used in interstate commerce, which may be regulated by Congress, at least as early as July 1981, and is still in use in interstate commerce.

Three (3) specimens showing the mark as actually used in connection with Applicant's goods are presented herewith.

[The mark does not identify a living individual.] PRINT

# DECLARATION

Katherine L'Amour hereby declares that she is Trustee of Applicant and is authorized to execute this Declaration on behalf of Applicant; she believes Applicant is entitled to use the mark sought to be registered in commerce; to the best of her knowledge and belief, no other person, firm, corporation, or association has the right to use said mark in commerce, either in identical form or in such near resemblance thereto as may be likely, when applied to the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document, or any registration resulting therefrom.

KATHERINE E. L'AMOUR, TRUSTEE  
OF THE LOUIS D. AND KATHERINE E.  
L'AMOUR 1983 TRUST

Dated: Dec. 23, 1999

By: Katherine E. L'Amour  
Katherine E. L'Amour  
Trustee

POWER OF ATTORNEY

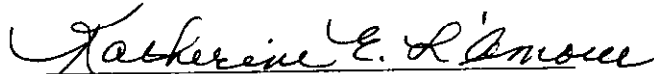
Applicant appoints MANATT, PHELPS & PHILLIPS, LLP, a firm including, among others, Jill M. Pietrini and Edward M. Jordan (Reg. No. 40,666), of the City of Los Angeles, State of California, all Attorneys at Law admitted to practice in all the Courts of the State of California, with full power of substitution and revocation, to prosecute this application to register, to transact all business in the Patent and Trademark Office connected therewith and to receive the certificate of registration.

Please direct all communications to:

Jill M. Pietrini  
MANATT, PHELPS & PHILLIPS, LLP  
11355 West Olympic Boulevard  
Los Angeles, California 90064-1614  
Telephone (310) 312-4000  
Facsimile (310) 312-4224

Signed this 23 day of December 1999, at Los Angeles, California.

KATHERINE E. L'AMOUR, TRUSTEE OF THE LOUIS  
D. AND KATHERINE E. L'AMOUR 1983 TRUST

  
Katherine E. L'Amour  
Trustee

01-24-2000

U.S. Patent & TMOtc/TM Mail Rpt Dt. #30

APPLICANT Katherine E. L'Amour, Trustee of the  
Louis D. and Katherine E. L'Amour 1983 Trust

ADDRESS 100 Loring Avenue, Los Angeles, CA 90024

FIRST USE July 1981 IN COMMERCE July 1981

GOODS OR SERVICES A series of fiction books

*Louis L'Amour*

TRADEMARK

75902019

PUBLISHED  
9/04/01



Specimen: LOUIS L'AMOUR (Stylized)  
Class: 16  
Goods: A series of fiction books.

Katherine E. L'Amour, Trustee of the  
Louis D. and Katherine E. L'Amour 1983 Trust  
100 Loring Avenue  
Los Angeles, California 90024

*Louis L'Amour*

75902019

THE  
LOUIS  
L'AMOUR  
COLLECTION

THE  
LOUIS  
L'AMOUR  
COLLECTION



BANTAM

# FLINT

---

## LOUIS L'AMOUR

75902019



BANTAM BOOKS  
TORONTO · NEW YORK · LONDON

Specimen: LOUIS L' AMOUR (Stylized)  
Class: 16  
Goods: A series of fiction books.

Katherine E. L'Amour, Trustee of the Louis D. and Katherine E.  
L'Amour 1983 Trust, 100 Loring Avenue, Los Angeles, CA 90024

FLINT

*Bantam rack size edition / November 1960*

*Bantam Hardcover edition / February 1981*

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Bantam Books, Inc.*

ISBN 0-553-06201-8

*Published simultaneously in the United States  
and Canada*

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Patent and Trademark Office and in other countries.  
Marca Registrada. Bantam Books, Inc., 666 Fifth Av-  
enue, New York, New York 10103.*

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75902019

# UNITED STATES PATENT AND TRADEMARK OFFICE

<b>SERIAL NO.</b> 75/902019 L' Amour, Katherine E.		<b>APPLICANT</b>		<b>PAPER NO.</b>	
<b>MARK</b> LOUIS L AMOUR (STYLIZED)				<b>ADDRESS:</b> Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513 www.uspto.gov	
<b>ADDRESS</b> JILL M. PIETRINI MANATT, PHELPS & PHILLIPS, LLP 11355 WEST OLYMPIC BOULEVARD LOS ANGELES, CALIFORNIA 90064-1614		<b>ACTION NO.</b> 01		If no fees are enclosed, the address should include the words "Box Responses - No Fee."	
		<b>MAILING DATE</b> 12/11/00			
		<b>REF. NO.</b> 06892-033			
FORM PTO-1525 (5-80)		U.S. DEPT. OF COMM. PAT. & TM OFFICE		Please provide in all correspondence: <ol style="list-style-type: none"><li>1. Filing Date, serial number, mark and Applicant's name.</li><li>2. Mailing date of this Office action.</li><li>3. Examining Attorney's name and Law Office number.</li><li>4. Your telephone number and ZIP code.</li></ol>	

**A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.** For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

RE: Serial Number: 75/902019      LOUIS L'AMOUR STYLIZED

The assigned examining attorney has reviewed the referenced application and determined the following.

## SEARCH OF OFFICE RECORDS

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

## REGISTRATION

### *Failure to Function as a Trademark*

The examining attorney refuses registration because the proposed mark does not function as a trademark, but merely identifies the author of the books. Trademark Act Sections 1, 2 and 45, 15 U.S.C. Sections 1051, 1052 and 1127; TMEP section 1202. *See In re Spirer*, 225 USPQ 693 (TTAB 1985). *Cf. In re Polar Music International AB*, 714 F.2d 1567, 221 USPQ 315 (Fed. Cir. 1983). Both cases dealt with the name of the performing group or artist as used on recordings; the issues are nearly identical and require similar treatment.

The examining attorney will reconsider this refusal if the applicant submits evidence that the mark has been used on at least one book in addition to the book in the specimen of record.

## INFORMALITIES

The applicant must respond to the following informalities within six months or the application will be abandoned:

### *Declaration*

The applicant must submit a new declaration. The declaration submitted with the application papers did not include an averment of ownership of the mark. Applications based upon Section 1(a) use must include an averment of ownership. TMEP Section 806.01.

The following is a properly worded declaration under 37 C.F.R. Section 2.20. At the end of the response, the applicant should insert the declaration signed by someone authorized to sign under 37 C.F.R. Section 2.33(a).

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; **he/she believes the applicant to be the owner of the trademark/service mark sought to be registered**, or, if the application is being filed under 15 U.S.C. 1051(b), 1126(d) or 1126(e), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

---

(Signature)

---

(Print or Type Name and Position)

---

(Date)

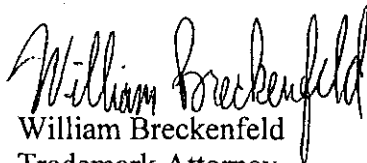
### *Claim of Ownership*

If the applicant is the owner of Registration No. 1866363, the applicant must submit a claim of ownership. 37 C.F.R. Section 2.36; TMEP section 812.

***Applicant's Response***

No set form is required for response to this Office action. The applicant must respond to each point raised. If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.

Additional information is available on-line at the Patent and Trademark Office site on the global computer network. The site is located at [WWW.USPTO.GOV](http://WWW.USPTO.GOV).

A handwritten signature in cursive script, reading "William Breckenfeld".

William Breckenfeld  
Trademark Attorney  
Law Office 112  
(703) 308-9112 ext. 103

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1384	N/A	0	0	0:01	*lou{"iey"}*[bi,ti]
02	1086	N/A	0	0	0:01	*amour*[bi,ti] or *amor*[bi,ti]
03	7810	N/A	0	0	0:02	*trad*[bi,ti]
04	3270	N/A	0	0	0:01	*post*[bi,ti]
05	6	3	3	3	0:01	1 and 2 and 3 and 4
06	21	7	14	14	0:01	1 and (2 or 3 or 4)
07	6	3	3	3	0:01	2 and 3 and 4
08	7	3	4	4	0:01	2 and (3 or 4)
09	81	42	39	39	0:01	3 and 4
10	499	N/A	0	0	0:01	*am{v2}r*[bi,ti]
11	10	3	1	1	0:01	1 and 2
12	9	3	6	6	0:01	1 and 10

Session started 12/8/00 8:19:31 AM  
 Session finished 12/8/00 8:25:19 AM  
 Total search duration 0:13 minutes  
 Session Duration 5:48 minutes

Default NEAR limit= 1 ADJ limit= 1

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1384	N/A	0	0	0:01	*lou{"iey"}*[bi,ti]
02	1135	N/A	0	0	0:01	*amour*[bi,ti] or *amor*[bi,ti] or *am{v2}r*[bi,ti]
03	10	3	7	7	0:01	1 and 2
04	890	N/A	0	0	0:01	(1 or 2) and "016"[cc]
05	211	94	117	117	0:01	4 and ("016"[ic] or a[ic] or b[ic] or "200"[ic])

Session started 12/8/00 8:27:36 AM  
 Session finished 12/8/00 8:34:47 AM  
 Total search duration 0:05 minutes  
 Session Duration 7:11 minutes

Default NEAR limit= 1 ADJ limit= 1



LO-112

12-08-2000

U.S. Patent & TMO/TM Mail Rpt Dt. #39

Docket No. 06892-033

21

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Katherine E. L'Amour, Trustee of the )  
Louis D. and Katherine E. L'Amour )  
1983 Trust )  
)  
Serial No: 75/902,019 )  
)  
Filed: January 24, 2000 )  
)  
Mark: LOUIS L'AMOUR (Stylized) )  
\_\_\_\_\_ )

**PRELIMINARY AMENDMENT**

Assistant Commissioner for Trademarks  
Box 5  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Sir:

Applicant requests the following preliminary amendments be entered as follows:

AMENDMENTS

1. The mark "LOUIS L AMOUR" should be amended to read "LOUIS L'AMOUR".
2. Applicant's designation should be changed from "Trust of the Louis D. and Katherine E. L'Amour 1983 Trust" to read "Trustee of the Louis D. and Katherine E. L'Amour 1983 Trust".

///

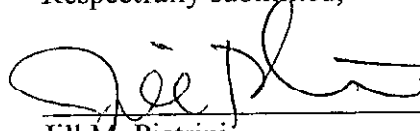
///

## REMARKS

Having requested the above preliminary amendment, the application is now in condition for allowance. If the Examiner has any questions, the Examiner is urged to telephone the undersigned attorney. Applicant requests the Examiner to pass the mark to publication in the Official Gazette at the Examiner's earliest convenience.

Respectfully submitted,

Dated: December 4, 2000

  
Jill M. Pietrini  
MANATT, PHELPS & PHILLIPS  
11355 W. Olympic Blvd., 10th Fl.  
Los Angeles, California 90064  
(310) 312-4000

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, Box 5, 2900 Crystal Drive, Arlington, VA 22202-3513, on this 4<sup>th</sup> day of December, 2000.

  
Craig Tappa

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12/04/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2000 NOV 26 P 6:33

In re Application of:

Katherine E. L'Amour, Trustee of the  
Louis D. and Katherine E. L'Amour  
1983 Trust

Serial No: 75/902,019

Filed: January 24, 2000

Mark: LOUIS L'AMOUR (Stylized)

RECEIVED



10-19-2000

U.S. Patent & TMO/TM Mail Rpt Dt. #54

**SECOND REQUEST TO CORRECT FILING RECEIPT**

Assistant Commissioner for Trademarks  
Office of Program Control  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Sir:

Applicant, by and through her attorneys, respectfully request the following corrections to the Filing Receipt for Trademark Application:

1. Applicant's mark should be corrected to read "LOUIS L'AMOUR".
2. Applicant's name should be corrected to read "Katherine E. L'Amour, Trustee of the Louis D. and Katherine E. L'Amour 1983 Trust".

A copy of the Application, which specifies Applicant's correct mark, Applicant's correct name and the correct date of first use of Applicant's mark, is attached hereto as Exhibit

A. A copy of the first Request to Correct Filing Receipt is attached hereto as Exhibit B.

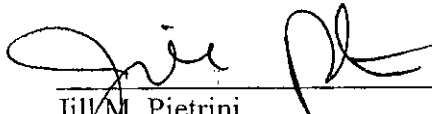
### Remarks

1. While the reference on the Filing Receipt regarding correction requests reads, "A request for correction to the filing receipt should be submitted within 30 days...", it is unclear whether this means 30 days from the issuance of the Filing Receipt, or 30 days from the date it is received by Applicant or Applicant's counsel. Also, the word "should" as placed in the Filing Receipt's notice regarding correction, is ambiguous as to whether requesting a correction "within 30 days" is mandatory or merely a recommendation. The word "shall" would suggest a 30-day reply is mandatory, as the word "should", as used in the Filing Receipt, would suggest a 30-reply is merely recommended.

In view of the fact that this Request to Correct Filing Receipt merely requests that a PTO clerical error be, Applicant requests that this correction request be granted.

Respectfully submitted,

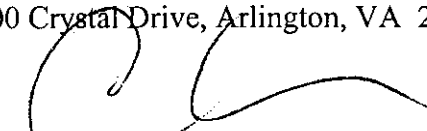
Dated: October 10, 2000

  
Jill M. Pietrini  
MANATT, PHELPS & PHILLIPS  
11355 W. Olympic Blvd.  
Los Angeles, California 90064  
(310) 312-4000

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, Office of Program Control, 2900 Crystal Drive, Arlington, VA 22202-3513, on this ~~12th~~ day of October, 2000.

16th

  
Craig M. Tappa

**EXHIBIT A**

---

**MANATT  
PHELPS  
PHILLIPS**

ATTORNEYS AT LAW

Jill M. Pietrini  
Direct Dial: (310) 312-4325  
Internet: jpietrini@manatt.com

January 24, 2000

Assistant Commissioner for Trademarks  
Box: TRADEMARK APPLICATION  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

*Via Express Mail*  
**Label No. EL290095455US**  
File No: 06892-033

**EL290095455US**

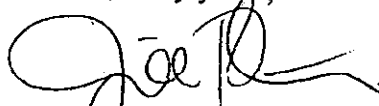
**Re: Applicant: Katherine E. L'Amour**  
**United States Trademark Application**  
**Mark: LOUIS L'AMOUR (Stylized)**  
**International Class: 16**

Dear Sir:

Enclosed herein is the trademark application for the mark LOUIS L'AMOUR (Stylized). Also enclosed are three (3) specimens of the mark in use.

We are enclosing our firm check in the amount of \$325.00 for the filing fee for one class. Please charge any additional fees or credit any overpayments to our Deposit Account No. 131 241. A duplicate copy of this letter is enclosed for this purpose. Please direct all communications regarding this matter to the undersigned.

Very truly yours,



Jill M. Pietrini  
MANATT, PHELPS & PHILLIPS, LLP

**Enclosures:**

- (1) Application
- (2) Specimen (1)
- (3) Transmittal letter (orig. + copy)
- (4) Postcard
- (5) Check (\$325.00)

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Label No. EL290095455US in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Box TRADEMARK APPLICATION, Arlington, Virginia 22202-3513, on this 24th day of January 2000.

  
Craig M. Tappa

M:\LosAngeles\Client\Matter\06892\033\CT.5529id9.0000c.doc

MANATT PHELPS & PHILLIPS, LLP  
11355 West Olympic Boulevard, Los Angeles, California 90064 - 1614 • 310-312-4000 • FAX 310-312-4224  
Los Angeles • Menlo Park • Nashville • Washington, D.C.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK APPLICATION, PRINCIPAL REGISTER

Mark: LOUIS L'AMOUR (Stylized)

International Class: 16

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Sir:

Applicant, Katherine E. L'Amour, is Trustee of the Louis D. and Katherine E. L'Amour 1983 Trust, a California trust, the trustees comprising only Katherine E. L'Amour, a United States citizen, and has a principal business address of 100 Loring Avenue, Los Angeles, California 90024.

The above-identified Applicant has adopted and is using the trademark shown in the accompanying drawing for a series of fiction books in International Class 16 and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946.

The mark was first used in connection with the aforementioned goods in International Class 16 at least as early as July 1981, and was first used in interstate commerce, which may be regulated by Congress, at least as early as July 1981, and is still in use in interstate commerce.

Three (3) specimens showing the mark as actually used in connection with Applicant's goods are presented herewith.

The mark does not identify a living individual.

# DECLARATION

Katherine L'Amour hereby declares that she is Trustee of Applicant and is authorized to execute this Declaration on behalf of Applicant; she believes Applicant is entitled to use the mark sought to be registered in commerce; to the best of her knowledge and belief, no other person, firm, corporation, or association has the right to use said mark in commerce, either in identical form or in such near resemblance thereto as may be likely, when applied to the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document, or any registration resulting therefrom.

KATHERINE E. L'AMOUR, TRUSTEE  
OF THE LOUIS D. AND KATHERINE E.  
L'AMOUR 1983 TRUST

Dated: Dec. 23, 1999

By: Katherine E. L'Amour  
Katherine E. L'Amour  
Trustee



POWER OF ATTORNEY

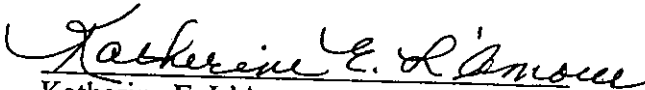
Applicant appoints MANATT, PHELPS & PHILLIPS, LLP, a firm including, among others, Jill M. Pietrini and Edward M. Jordan (Reg. No. 40,666), of the City of Los Angeles, State of California, all Attorneys at Law admitted to practice in all the Courts of the State of California, with full power of substitution and revocation, to prosecute this application to register, to transact all business in the Patent and Trademark Office connected therewith and to receive the certificate of registration.

Please direct all communications to:

Jill M. Pietrini  
MANATT, PHELPS & PHILLIPS, LLP  
11355 West Olympic Boulevard  
Los Angeles, California 90064-1614  
Telephone (310) 312-4000  
Facsimile (310) 312-4224

Signed this 23 day of December 1999, at Los Angeles, California.

KATHERINE E. L'AMOUR, TRUSTEE OF THE LOUIS  
D. AND KATHERINE E. L'AMOUR 1983 TRUST

  
Katherine E. L'Amour  
Trustee

APPLICANT Katherine E. L'Amour, Trustee of the  
Louis D. and Katherine E. L'Amour 1983 Trust

ADDRESS 100 Loring Avenue, Los Angeles, CA 90024

FIRST USE July 1981 IN COMMERCE July 1981

GOODS OR SERVICES A series of fiction books

*Louis L'Amour*

Specimen: LOUIS L'AMOUR (Stylized)

Class: 16

Goods: A series of fiction books.

Katherine E. L'Amour, Trustee of the  
Louis D. and Katherine E. L'Amour 1983 Trust  
100 Loring Avenue  
Los Angeles, California 90024

*Louis L'Amour*

FLINT

*Bantam rack size edition / November 1960*  
*Bantam Hardcover edition / February 1981*

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ISBN 0-553-06201-8

*Published simultaneously in the United States*  
*and Canada*

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*enue, New York, New York 10103.*

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THE  
LOUIS  
L'AMOUR  
COLLECTION

THE LOUIS L'AMOUR  
COLLECTION

BANTAM

# FLINT

---

## LOUIS L'AMOUR



BANTAM BOOKS  
TORONTO · NEW YORK · LONDON

Specimen: LOUIS L' AMOUR (Stylized)  
Class: 16  
Goods: A series of fiction books.

Katherine E. L'Amour, Trustee of the Louis D. and Katherine E.  
L'Amour 1983 Trust, 100 Loring Avenue, Los Angeles, CA 90024

CHECK NO. 197072  
01/24/00

MANATT, PHELPS & PHILLIPS, LLP

INVOICE DATE	INVOICE NUMBER	ACCOUNT NUMBER	FILE NUMBER	DB CD	ADDITIONAL DESCRIPTION	AMOUNT
01/24/00	0124003	2009	06892 033		TM Filing fee - "Louis L'Amour" (Stylized) in class 16	325.00
CHECK TOTAL:						\$325.00

FOR SECURITY PURPOSES, THE BACK SIDE OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

MANATT, PHELPS & PHILLIPS, LLP  
ATTORNEYS AT LAW - GENERAL ACCOUNT  
11155 W. LYNN BOULEVARD  
LOS ANGELES, CA 90064

Comerica Bank - California  
3180 AVENUE 100  
DENVER, CO 80202  
90-3752  
1211

CHECK NO. 197072

DATE 01/24/00

THE SUM \*\*\*325 DOLLARS AND 00 CENTS

CHECK AMOUNT  
\$ \*\*\*\*\*325.00

COMMISSIONER OF PATENTS & TRADEMARK  
Washington, DC 20231

PAY  
TO THE  
ORDER  
OF

MANATT, PHELPS & PHILLIPS, LLP

FOR SECURITY PURPOSES, THE SIGNATURE LINE OF THIS DOCUMENT CONTAINS MICROPRINTING

197072 1211375221 1890 69369 8

MARK Louis L'Amour (Stylized) IN new  
CLASS 16 FILING DATE new  
APPLICANT Katharine E. L'Amour FILE NO. 06892-033  
MAIL DATE 1/24/00 EXPRESS MAIL LABEL EL290095455US  
Receipt in the USPTO is hereby acknowledged of:  
☒ Trademark Application ☐ Statement of Use  
☒ Declaration and Power of Attorney ☐ Request for Extension  
☒ Drawings Page ☐ Section 8&15 Affidavit  
☒ Specimens ( 1 ) ☐ Office Action Response  
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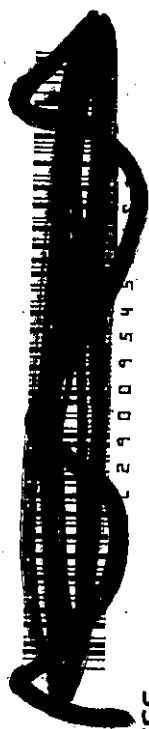
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**11355 W. Olympic Blvd.**  
**Los Angeles, CA 90064**  
**LOUIS L'AMOUR (stylized) Cl. 16**  
**06892-033**

TO: (PLEASE PRINT) **Asst. Commissioner of Trademarks** PHONE ( )  
**Box: Trademark Application**  
**2900 Crystal Drive**  
**Arlington, VA 22202-3513**

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**EXHIBIT B**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Katherine E. L'Amour, Trustee of the  
Louis D. and Katherine E. L'Amour  
1983 Trust

Serial No: 75/902,019

Filed: January 24, 2000

Mark: LOUIS L'AMOUR (Stylized)

REQUEST TO CORRECT FILING RECEIPT

Assistant Commissioner for Trademarks  
Office of Program Control  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Sir:

Applicant, by and through her attorneys, respectfully request the following corrections to the Filing Receipt for Trademark Application:

1. Applicant's mark should be corrected to read "LOUIS L'AMOUR".
2. Applicant's name should be corrected to read "Katherine E. L'Amour, Trustee of the Louis D. and Katherine E. L'Amour 1983 Trust".
3. The dates of first use of Applicant's mark should be corrected to read "July 1981".

A copy of the Application, which specifies Applicant's correct mark, Applicant's correct name and the correct date of first use of Applicant's mark, is attached hereto as Exhibit A.


## Remarks

1. While the reference on the Filing Receipt regarding correction requests reads, "A request for correction to the filing receipt should be submitted within 30 days...", it is unclear whether this means 30 days from the issuance of the Filing Receipt, or 30 days from the date it is received by Applicant or Applicant's counsel. Also, the word "should" as placed in the Filing Receipt's notice regarding correction, is ambiguous as to whether requesting a correction "within 30 days" is mandatory or merely a recommendation. The word "shall" would suggest a 30-day reply is mandatory, as the word "should", as used in the Filing Receipt, would suggest a 30-reply is merely recommended.

In view of the fact that this Request to Correct Filing Receipt merely requests that a PTO clerical error be, Applicant requests that this correction request be granted.

Respectfully submitted,

Dated: May 16, 2000

  
Jill M. Pietrini  
MANATT, PHELPS & PHILLIPS  
11355 W. Olympic Blvd.  
Los Angeles, California 90064  
(310) 312-4000

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, Office of Program Control, 2900 Crystal Drive, Arlington, VA 22202-3513, on this 16th day of May, 2000.

  
Craig M. Tappa



This situation is most similar to instances of musical bands attempting to register the band name for recordings. The Examiner himself cited the *Polar Music* case in which the Federal Circuit clearly held that a title to a series of musical records, i.e., the artist's name used on more than one record functions, and can be registered as a trademark. *In re Polar Music International AB*, 221 USPQ 317, 318 (Fed. Cir. 1983). Likewise, the name of the author of a series of books should also be registerable as a trademark.

In the instant case, Applicant submitted as a specimen one book bearing Applicant's mark. The Examiner stated in the Office Action of December 11, 2000 that he would reconsider his position if Applicant submitted further evidence of the use of the mark on other books within the series. Attached hereto as Exhibit 1 is a copy of *amazon.com*'s website listing of several of the books bearing the mark LOUIS L'AMOUR. According to the *amazon.com* website, there are 479 references to LOUIS L'AMOUR in *amazon.com*'s book directory. Accordingly, it is clear that the mark is used for more than one book and therefore does function as a trademark for a series of fiction books.

Further, Applicant submits an additional specimen showing use of Applicant's mark on another book, other than the book *Flint* submitted with the application. The additional specimen is attached hereto as Exhibit 2. Accordingly, Applicant has complied with the requirements under *Polar Music* in that Applicant has submitted specimens of the mark as used on a series of fictional books and applied to far more than just two different books in the series.

2. Declaration

Applicant submits herewith a properly worded declaration under 37 C.F.R.

Section 2.20. Please find the declaration of Katherine E. L'Amour attached.

3. Claim of Ownership

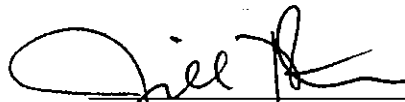
Applicant is the owner of Registration No. 1866363 for the mark LOUIS L'AMOUR WESTERN MAGAZINE (the "Cited Mark"). Thus, there will be no likelihood of confusion between Applicant's mark and the Cited Mark because the goods offered under the respective marks originate from the same source. Attached hereto as Exhibit 3 is the USPTO website page showing Applicant as the owner of the Cited Mark.

4. Conclusion

For the above stated reasons, Applicant requests the Examiner to pass the mark to publication.

Respectfully submitted,

Dated: April 13, 2001



Jill M. Pietrini  
MANATT, PHELPS & PHILLIPS, LLP  
11355 W. Olympic Blvd.  
Los Angeles, California 90064  
(310) 312-4000

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Vicky Tejeda

# DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that she is properly authorized to execute this application on behalf of the applicant; she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), 1126(d) or 1126(e), she believes applicant to be entitled to use such mark in commerce; to the best of her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of her own knowledge are true and all statements made on information and belief are believed to be true.

Dated: April 19, 2001

KATHERINE E. L'AMOUR, TRUSTEE  
OF THE LOUIS D. AND KATHERINE  
E. L'AMOUR 1983 TRUST

By: Katherine E. L'Amour  
Katherine E. L'Amour  
Trustee







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Our Price: \$4.05 


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2.  **Beyond the Great Snow Mountains**  
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Average Customer Review:  
★★★★★  
Usually ships in 24 hours

Our Price: \$4.49 

3.  **The Sackett Companion : A Personal Guide to the Sackett Novels**  
by Louis L'Amore, Louis L'Amour (Paperback - December 1992)  
Average Customer Review:  
★★★★★  
Usually ships in 24 hours

Our Price: \$11.16 

4.  **Bendigo Shafter**  
by Louis L'Amour (Paperback)  
Average Customer Review:  
★★★★★  
Usually ships in 24 hours

Our Price: \$4.95




**In Stock/Readily Available**

5. **Bendigo Shafter**  
by Louis L'Amour (Hardcover -  
October 1999)  
Average Customer Review:  
★★★★★  
Special Order


Our Price: \$12.85



6.  **The Best of the American  
West II : Frontier Adventure**  
by Louis L'Amour, John Jakes,  
Loren D. Estleman, Elmer  
Kelton, and Many Others  
by Edward Gorman(Editor),  
Martin H. Greenberg(Editor)  
(Mass Market Paperback -  
October 1999)  
Average Customer Review:  
★★★★★  
Usually ships in 24 hours

Our Price: \$5.39




7.  **Beyond the Great Snow  
Mountains**  
by Louis L'Amour, Beau L'Amour  
(Afterword) (Hardcover - June  
1999)  
Average Customer Review:  
★★★★★

Usually ships in 24 hours


**Our Price: \$13.56**



8.  **Beyond the Great Snow Mountains [ABRIDGED]**  
by Louis L'Amour, Terrence Mann  
(Narrator) (Audio Cassette - June 1999)  
Average Customer Review:  
★★★★★  
Usually ships in 24 hours

**Our Price: \$22.50**



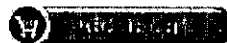
9.  **Beyond the Great Snow Mountains**  
by Louis L'Amour (Mass Market  
Paperback - May 2000)  
Average Customer Review:  
★★★★★  
Usually ships in 24 hours

**Our Price: \$4.49**



10. **Beyond the Great Snow Mountains [LARGE PRINT]**  
by Louis L'Amour (Paperback  
- October 2000)  
Average Customer Review:  
★★★★★  
Usually ships in 2-3 days

**Our Price: \$26.95**



11. **Bill Carey Rides West/the Town No Guns Could**



**Tame [ABRIDGED]**  
by Louis L'Amour (Audio  
Cassette)  
Usually ships in 24 hours

**Our Price: \$8.99**



**12.**



**The Black Rock Coffin  
Makers [UNABRIDGED]**  
by Louis L'Amour, Stan  
Winiarski(Reader) (Audio  
Cassette - October 1993)  
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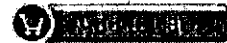
**Our Price: \$7.95**



**13.**

**The Bold West - 6  
[ABRIDGED]**  
by Peter Dawson, et al  
(Audio Cassette - August  
1998)  
Usually ships in 2-3 days

**Our Price: \$8.99**



**14.**



**Booty for a Badman**  
by Louis L'Amour (Audio  
Cassette - December 1991)  
Average Customer Review:  
★★★★★  
Usually ships in 24 hours

**Our Price: \$8.99**



**15.**



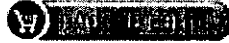
**Borden Chantry**  
by Louis L'Amour  
(Paperback)

Average Customer Review:



Usually ships in 24 hours

**Our Price: \$4.05**



**16.**

**Bowdrie**

by Louis L'Amour  
(Paperback)



[see picture](#)

Average Customer Review:



Usually ships in 24 hours

**Our Price: \$4.05**



**17.**

**Bowdrie's Law**

by Louis L'Amour (Mass  
Market Paperback -  
December 1991)



[see picture](#)

Average Customer Review:



Usually ships in 24 hours

**Our Price: \$4.05**



**18.**

**Brionne**

by Louis L'Amour  
(Paperback)



[see picture](#)

Average Customer Review:



Usually ships in 24 hours

**Our Price: \$4.05**



**19.**

**The Broken Gun**

by Louis L'Amour  
(Paperback)



[see picture](#)

Average Customer Review:

★★★★★  
Usually ships in 24 hours

Our Price: \$4.05



20.

**Broken Gun**

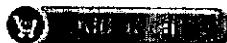
by Louis L'Amour (Hardcover  
- October 1999)

Average Customer Review:

★★★★★

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21.

**Buckskin Run**

by Louis L'Amour (Mass  
Market Paperback - February  
1991)

  
[see picture](#)

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Our Price: \$4.05



22.

**The Burning Hills**

by Louis L'Amour (Mass  
Market Paperback - August  
1992)

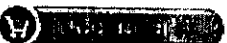
  
[see picture](#)

Average Customer Review:

★★★★★

Usually ships in 24 hours

Our Price: \$4.05



23.

**The Burning Hills (G K  
Hall Large Print Book  
Series (Cloth)) [LARGE  
PRINT]**

by Louis L'Amour (Hardcover  
- August 1999)

Average Customer Review:



Usually ships in 2-3 days

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24.

**Californios**

by Louis L'Amour

(Paperback)



[see picture](#)

Average Customer Review:



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25.

**Callaghen**

by Louis L'Amour (Mass

Market Paperback - May

1991)



[see picture](#)

Average Customer Review:



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Our Price: \$4.05 

26.

**Catlow**

by Louis L'Amour

(Paperback)



[see picture](#)

Average Customer Review:



Usually ships in 24 hours

Our Price: \$4.05 

27.

**Chancy**

by Louis L'Amour (Mass

Market Paperback - May

1992)



[see picture](#)

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Our Price: \$4.05



28.

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**L'Amour**

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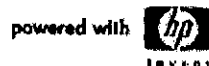
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# LOUIS L'AMOUR EDUCATION OF A WANDERING MAN



BANTAM BOOKS

NEW YORK • TORONTO • LONDON • SYDNEY • AUCKLAND

Specimen: LOUIS L'AMOUR (Stylized)

Class: 16

Goods: A series of fiction books.

Katherine E. L'Amour, Trustee of the Louis D. and Katherine  
E. L'Amour 1983 Trust, 100 Loring Ave., Los Angeles, CA 90024

To Alberto and Gioia Vitale

EDUCATION OF A WANDERING MAN  
A Bantam Book / November 1989

The Louis L'Amour Collection / March 1990  
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# INTRODUCTION

## *Joys of Random Reading*

by Daniel J. Boorstin

**W**e are often told that we are what we eat. In our world since the printing press it might be more accurate to say we are what we read. How each of us digests what we read is a mystery. And what people really read is sometimes as puzzling as what they really think.

This book tells a surprising tale of the reading of the beloved best-selling writer Louis L'Amour. For his shaping wandering years were years of reading. When he left school in the tenth grade he began an earnest self-education stirred by a passion for books. These early working and wandering years, which took him around the world, were filled with days and nights of reading. And with books happily encountered on shipboard or in the cabin of a mining camp, in Sumatra or on the China coast.

He was a lone reader but somehow never felt lonely in the company of a book. This account of his reading reminds us that little of it was done in the company of other readers, or fellow students, or with the promise, which we enjoy in settled literary company, of a lively bookish conversation. He must have been an especially vigorous self-starter and an imaginative self-rewarder.

There are quite a few surprises here for those who have only read his books but did not have the good fortune to know the lovable man himself. Anyone who visited Louis in his spacious study with its sixteen-foot-high ceiling with walls of specially designed bookshelves will not be surprised. For the bookshelves that Louis designed were much like the man himself. Each tall row of shelves made a kind of book-covered door that could be swung open to reveal another sixteen-foot set of book-filled shelves fixed to the wall behind. Louis was a modest man, slow to reveal what he really knew.

While many of us are tempted to pretend to have read what we think we should have read, Louis was not that way. For most of us Mark

Twain's definition of a classic—"a book which people praise and don't read"—is accurate enough. But certainly not for Louis. In conversation he was frequently reaching for the name of the author of that book that told him something which might interest you too. Louis had a prodigious memory, which usually brought up the full correct name of the author, the title of the work, how many volumes of it there were, and often even the date of publication. Many of his vivid memories were of multivolume works like Gibbon's *Decline and Fall of the Roman Empire* or Sansom's *History of Japan*.

Not a gourmet reader, Louis was blessed with an insatiable literary appetite. He had a natural preference for books that had stood the test of time. His memory was so well stocked that he delighted in returning to browse in books that were rich in association with where he had first met them. He explains here that he does not write about sex because it is only "a leisure activity" while "I am writing about men and women who were settling a new country, finding their way through a maze of difficulties, and learning to survive despite them." Although this kindly man found it hard to express distaste or lack of sympathy for anybody, he was troubled by what seemed to him the sexual obsessions and aberrations of our time. An indefatigable, skilled storyteller, he delighted in the broad effervescent currents of experience, he remained untinged by the ambiguities of much that he read, and he kept his own values undented.

Perhaps one reason why his book-memories were so vivid was that once his early "yondering years" were over, he traveled abroad very little. Still, he remained an avid reader. Jealous of any time not used for writing, he luxuriated within his walls of books. His remarkable memory left him little need to refresh himself about details. As he writes in this volume, he could call up exotic places he had visited or read about without revisiting. But for three weeks each summer he would reexplore with his family some Western lands, probably as much for love of the landscape as for any other reason. He had seen and done so much during those early years chronicled here that we can understand why he might have feared that another trip would be anticlimactic, or even dull some sharp early memories.

A few years ago when I was at work on *The Discoverers* and trying to learn about Marco Polo, among others, I told Louis what I was about. At the time he was working on *The Walking Drum* and he came up at once with an astonishingly fluent and accurate critical bibliography—on the strengths and weaknesses of Yule's edition of the *Travels* and of the later books on Marco Polo. Then I had the pleasure of seeing his ample, well-thumbed collection of Marco Poliana neatly shelved on the walls of his study.

Still, as this volume reveals, Louis was anything but a systematic reader. A spectacularly serendipitous reader, he enlists us in the joys of random reading—from Schliermacher's *Soliloquies*, Boswell's *Johnson*, Bertrand Russell's *Marriage and Morals*, Eric Hoffer's *True Believer*, Gregg's *Commerce of the Prairies* to Roger Baldwin's *Liberty under the*

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*Soviets*—with an occasional dip into George Santayana, Joseph Conrad, and Rabindranath Tagore and some frolics by the way in Baudelaire's poems, Claude McKay's *Harlem Shadows*, Frank Dobie's *Longhorns*, Polybius' histories, and Voltaire's *Candide*. Good, bad, or indifferent, fiction or nonfiction, classic or ephemera—all were grist for his mill! But unlike many self-educated men and other good storytellers, Louis was a good listener, as eager to learn from the spoken as from the printed word.

Obviously there are advantages to programmed reading that cannot be secured in any other way. Louis, by force of circumstances and from a passion for books, sought and found other advantages. He enjoyed and was stirred by countless unprogrammed juxtapositions—the fate of the Incas and of the Roman Empire, Shakespeare's sonnets, Jack London's tales and Plato's dialogues. He could quote Robert W. Service and William Butler Yeats, Rudyard Kipling and Percy Bysshe Shelley and Oscar Wilde in the same breath. For he was utterly without intellectual snobbery or cultural pretensions.

So Louis never worried about whether a book "fitted in" to his reading program. To be a book gave it dignity enough—a claim on his time and attention, and on his patience for the author's weaknesses.

The love of books made him—like any other lover—sometimes excessively charitable to his authors. And this, too, made him rare among copious readers. In this volume you will find enthusiasm, excitement, and gratitude to the whole miscellany of authors ancient and modern, East and West. That was Louis's way—to find or squeeze something of value from every printed page.

He was lucky in his times. It happened that the 1930s, which he chronicles in this volume, was an especially fertile time for American publishing—F. N. Doubleday, Max Schuster, Alfred Knopf, Bennett Cerf, among others, not to mention the Haldeman Julius little blueback books and the Modern Library. The Book-of-the-Month Club and The Literary Guild and others were disseminating good books in new ways, the Great Books were filtering down. It was an age of serious best sellers, a good age for desultory reading.

Louis gives us a lesson—too seldom offered by academic or professional critics—in open-mindedness and literary charity. And he encourages us, too, to become Wandering Readers, joining his search for the joys and surprises in the pages of books.

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Thank you for your request. Here are the latest results from the TARR web server.

**Serial Number:** 74399984

**Registration Number:** 1866363

**Mark**



**(words only):** LOUIS L'AMOUR WESTERN MAGAZINE

**Current Status:** Registered.

**Date of Status:** 1994-12-06

**Filing Date:** 1993-06-07

**Registration Date:** 1994-12-06

**Law Office Assigned:** TMEO Law Office #12

---

**CURRENT APPLICANT(S)/OWNER(S)**

---

1. L'Amour, Katherine E.

---

---

**GOODS AND/OR SERVICES**

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periodical magazine of western fiction

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**PROSECUTION HISTORY**

---

1994-12-06 - REGISTERED-PRINCIPAL REGISTER

1994-09-07 - ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED

1994-08-31 - STATEMENT OF USE PROCESSING COMPLETE

1994-07-27 - USE AMENDMENT FILED

1994-06-07 - NOTICE OF ALLOWANCE-MAILED

1994-03-15 - PUBLISHED FOR OPPOSITION



1994-02-11 - NOTICE OF PUBLICATION

1993-12-10 - APPROVED FOR PUB - PRINCIPAL REGISTER

1993-11-15 - COMMUNICATION RECEIVED FROM APPLICANT

1993-10-13 - NON-FINAL ACTION MAILED

1993-09-16 - ASSIGNED TO EXAMINER

---

**CONTACT INFORMATION**

---

**Attorney of Record:** William M. Borchard

**Address:**

William M. Borchard

COWAN, LIEBOWITZ & LATMAN, P.C.

1133 AVENUE OF THE AMERICAS

NEW YORK, NY 10036-6799

US

---



ASSISTANT COMMISSIONER FOR TRADEMARKS  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Aug 15, 2001

NOTICE OF PUBLICATION UNDER 12(a)

1. Serial No.:  
75/902,019
2. Mark:  
LOUIS L'AMOUR  
(Stylized)
3. International Class(es):  
16
4. Publication Date:  
Sep 4, 2001
5. Applicant:  
Trustee of the Louis D. and Katherine E.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: (202)512-1800

By direction of the Commissioner.

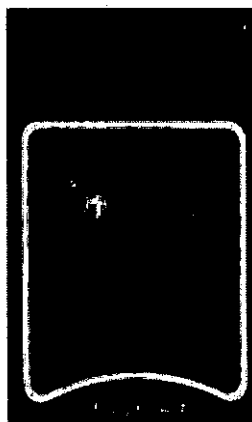
# Lacey Dancer



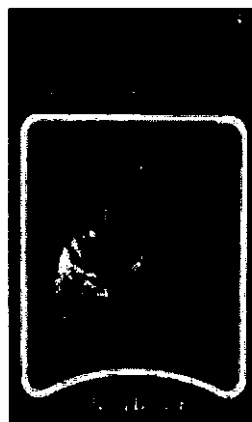
Ms. Dancer, under different names, has written 32 books. She also writes under the names of Sydney Ann Clary and for Silhouette under the name of Sara Chance. She wrote under the name of Dancer for the Kismet and Precious Gems lines.

---

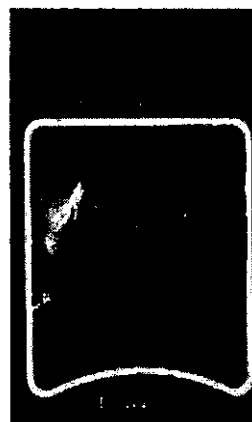
## "KISMETS"



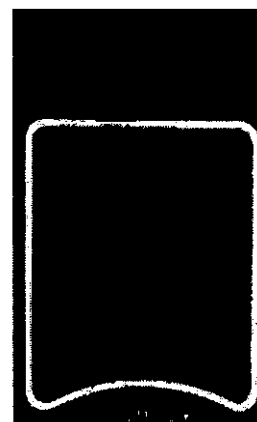
Diamond On Ice



Sunlight On Shadows



13 Days Of Luck



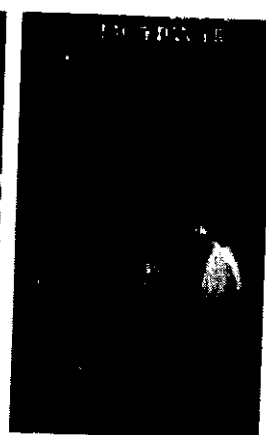
Silent Enchantment



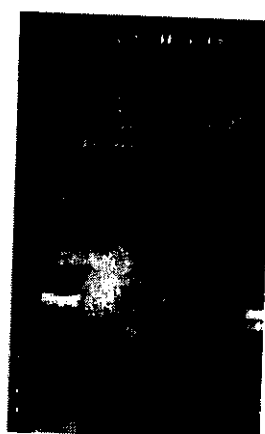
Baby Makes Five



Forever Joy



Flight Of The Swans



Lightning Strikes Twice

## "PINK KISMETS"



13 Days Of Luck



Diamond On Ice



Silent Enchantment



Flight Of The Swan



Sunlight On Shadows

These books were reprints of the regular black Kismets and came in a boxed set. These books are much harder to find than the regular black Kismet books.

## "PRECIOUS GEMS"

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2004-05-20 12:24:03 ET**

**Serial Number:** 75180716

**Registration Number:** 2151884

**Mark (words only):** LACEY DANCER

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 1998-04-21

**Filing Date:** 1996-10-15

**Transformed into a National Application:** No

**Registration Date:** 1998-04-21

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 106

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 900 -Warehouse (Newington)

**Date In Location:** 2004-05-13

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Clary, Sydney A.

**Address:**

Clary, Sydney A.  
15208 N. 101 Trail  
Jupiter, FL 33478  
United States

**Legal Entity Type:** Individual

**Country of Citizenship:** United States

---

**GOODS AND/OR SERVICES**

---

series of books, namely, romanance novels

**International Class:** 016

**First Use Date:** 1990-02-20

**First Use in Commerce Date:** 1990-08-15

**Basis:** 1(a)

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

---

2003-08-11 - TEAS Change of Correspondence Received

1998-04-21 - Registered - Principal Register

1998-01-27 - Published for opposition

1997-12-26 - Notice of publication

1997-11-24 - Approved for Pub - Principal Register (Initial exam)

1997-10-30 - Communication received from applicant

1997-05-29 - Non-final action mailed

1997-05-07 - Case file assigned to examining attorney

---

**CONTACT INFORMATION**

---

**Correspondent (Owner)**

MICHAEL A SLAVIN (Attorney of record)

Michael A. Slavin  
McHale & Slavin, P.A.  
2855 PGA Boulevard  
Palm Beach Gardens FL 33410

**Phone Number:** 561-625-6575**Fax Number:** 561-625-6572

---

REG NUM: 2151884 REG DT: 04/21/1998 S/N 75/180716		3. MARK LACEY DANCER		4. SER. NO. 75/180716	
				5. REGISTER PRINCIPAL	
6. INTERNATIONAL CLASS 16		7. PRIOR U.S. CLASS 2-3-22-23-29-37-38-5		8. FILING DATE 10/15/96	
				9. LAW OFFICE 106	
10. APPLICANT AND POST OFFICE Clary, Sydney A. 15208 N. 101 Trail Jupiter, FLORIDA 33472 INDIVIDUAL UNITED STATES CITIZEN				16. EXAMINING ATTORNEY BRUN	
				17. TYPE OF MARK TRADEMARK	
				18. FIRST USE ICL 016 02/20/1990	
11. CORRESPONDENCE ADDRESS MICHAEL A SLAVIN MCMALE & SLAVIN PA 4440 PGA BLVD STE 400 PALM BEACH GARDENS FL 33410				19. IN COMMERCE ICL 016 08/15/1990	
12. DOMESTIC REPRESENTATIVE				20. FOREIGN REG. AND APPL. DATA	
13. APPLICANT'S ATTORNEY MICHAEL A SLAVIN					
15. GOODS — SERVICES 016-printed publications, namely, novels, short storybooks in a series, and articles in a series					
21. OTHER DATA					

PTO-102L (REV. 12/82) U.S. DEPT. OF COMMERCE — PATENT AND TRADEMARK OFFICE

Published  
01/27/98

Examining Attorney (Please Print Name)  
Sean J. McMaule

Approved for Publication (Principal Register) — (Signature)  
[Signature] 11/24/97

Approved for Registration (Section 1(d)) — (Signature)

Approved for Registration (Supplemental Register) — (Signature)

Section 8 Accepted — (Signature)

Section 15 — (Signature)

Section 9 Renewal Accepted — (Signature)

Entry

Date

Initials

MAY 29 1997

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Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 2,151,884

**United States Patent and Trademark Office**

Registered Apr. 21, 1998

**TRADEMARK  
PRINCIPAL REGISTER**

**LACEY DANCER**

CLARY, SYDNEY A. (UNITED STATES CITI-  
ZEN)  
15208 N. 101 TRAIL  
JUPITER, FL 33478

FIRST USE 2-20-1990; IN COMMERCE  
8-15-1990.

SER. NO. 75-180,716, FILED 10-15-1996.

FOR: SERIES OF BOOKS, NAMELY, RO-  
MANANCE NOVELS, IN CLASS 16 (U.S. CLS. 2,  
5, 22, 23, 29, 37, 38 AND 50).

JEAN MARC BRUN, EXAMINING ATTORNEY

TRADEMARK APPLICATION SERIAL NO. 75180716

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

FILED 10/21/90 75180716  
U.S. PAT. & TM. OFF.

McHALE & SLAVIN, P.A.

ATTORNEYS AT LAW

MIAMI

SUITE 340, 1401 BRICKELL AVENUE  
MIAMI, FLORIDA 33131  
TELEPHONE (305) 374-3311  
FAX (305) 374-5232

PALM BEACH

FIRST UNION CENTER  
SUITE 402, 4440 PGA BOULEVARD  
PALM BEACH GARDENS, FLORIDA 33410  
TELEPHONE (561) 625-6575  
FAX (561) 625-6572

U.S. & INTERNATIONAL  
PATENTS, TRADEMARKS, COPYRIGHTS,  
INTERFERENCES, LICENSING & LITIGATION



CHICAGO

CENTRAL PARK CENTER  
800 WEST CENTRAL ROAD  
MT. PROSPECT, ILLINOIS 60056  
CHICAGO TEL. (312) 939-2515  
SUBURBS TEL. (847) 818-9243

PLEASE REPLY TO:

Palm Beach

October 9, 1996

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Re: LACEY DANCER  
Our Ref. No. 1691.00

Dear Sir:

Enclosed herewith for filing on behalf of my client, Sydney A. Clary, is a Federal Trademark application for the above-referenced mark based upon the applicant's actual use of the mark in commerce for the following goods:

PRINTED PUBLICATIONS; NAMELY, NOVELS, SHORT  
STORYBOOKS IN A SERIES, AND ARTICLES IN A  
SERIES, in International Class 016.

The application is comprised of applicant's Statement, Drawing Sheet, duly executed Declaration and Power of Attorney, \$245.00 filing fee payable to the "Commissioner of Patents and Trademarks" for a single class designation, specimens (3), mail certificate, and a postcard receipt.

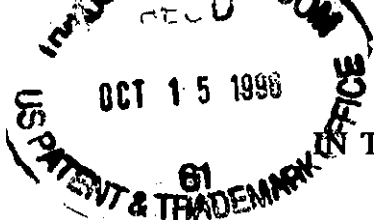
Thank you for your attention to this matter.

Very truly yours,

McHALE & SLAVIN, P.A.

Edward F. McHale

EFM/n2  
Enclosures  
TMP-004D.ARC  
///R///



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION FOR TRADEMARK REGISTRATION  
PRINCIPAL REGISTER

Mark: LACEY DANCER

Class: International Class 016

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

STATEMENT

Applicant, /Sydney A. Clary/, 15208 N. 101 Trail, Jupiter, FL 33478, an (individual) and (citizen of the United States of America) has adopted and is using the mark shown in the accompanying drawing as a trademark for the following goods:

PRINTED PUBLICATIONS; NAMELY, NOVELS, SHORT STORYBOOKS IN A SERIES, AND ARTICLES IN A SERIES) in International Class 016.

Applicant requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Trademark Act of July 5, 1946. (15 U.S.C. 1051 et. seq., as amended.)

The mark was first used by the applicant on February 20, 1990; was first used in interstate commerce on August 15, 1990; and is presently in use in such commerce by the Applicant.

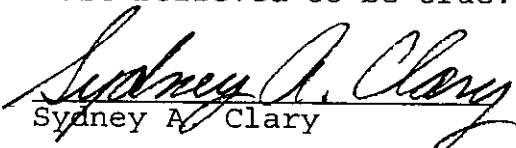
The mark is used on novel covers and/or articles, and other ways customary to the trade. Three specimens showing the mark as actually used are submitted herewith.

INDIVIDUAL DECLARATION


I, Sydney A. Clary, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom, declare that I am the entitled to use such mark in commerce, that I am the owner of the mark sought to be registered, that to the best of my knowledge and belief no other person, firm, corporation, or association has the right to use said mark in interstate commerce, either in the identical form thereof or in such near resemblance thereto as may be likely, when applied to the goods and/or services of such other person, to cause confusion, or to cause mistake, or to deceive; that all facts set forth in this application are true; and all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Date: 10/9, 1996

BY:


  
Sydney A. ClaryPOWER OF ATTORNEY AND  
DESIGNATION OF ADDRESS FOR CORRESPONDENCE

Applicant hereby appoints Michael A. Slavin (Patent Atty. Reg. No. 34,016) and Edward F. McHale of the firm McHALE & SLAVIN, P.A., attorneys at law, duly authorized to practice law in the State of Florida, with full power of substitution and revocation, its attorneys to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Certificate of Registration; and requests that all correspondence from the Patent and Trademark Office concerning this application be addressed to:

  
(Michael A. Slavin)  
(McHALE & SLAVIN, P.A.)  
4440 PGA Blvd. Suite 402  
Palm Beach Gardens, FL 33410  
(561) 625-6575

Date: 10/9, 1996

BY:

  
Sydney A. Clary

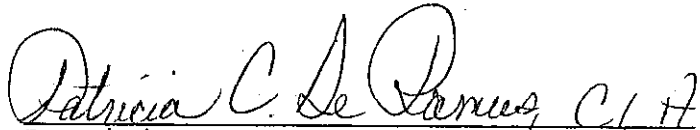
CERTIFICATE OF MAILING

I HEREBY CERTIFY that the following correspondence:  
*Transmittal Letter; Trademark Application; Drawing Sheet;  
Declaration/Power of Attorney; Specimens (3); Check made payable to  
"Commissioner of Patents and Trademarks" in the amount of \$245.00  
for filing fee; Certificate of Mail and postcard receipt;* is being  
deposited with the United States Postal Service as first class mail  
in an envelope addressed to:

Assistant Commissioner for Trademarks  
Box Trademark Application  
2900 Crystal Drive  
Arlington, VA 22202-3513

on October 9, 1996.

I hereby declare that all statements made herein of my  
own knowledge are true and that all statements made on information  
and belief are believed to be true; and further, that these  
statements were made with the knowledge that willful false  
statements and the like so made are punishable by fine or  
imprisonment or both, under Section 1001 of Title 18 of the United  
States Code.

  
Patricia C. De Ramus, CLA  
Legal Assistant

McHALE & SLAVIN, P.A.  
4440 PGA Blvd. Suite 402  
Palm Beach Gardens, FL 33410  
(561) 625-6575  
tmp-017a.arc

APPLICANT:



Sydney A. Clary  
(an individual)

ADDRESS:

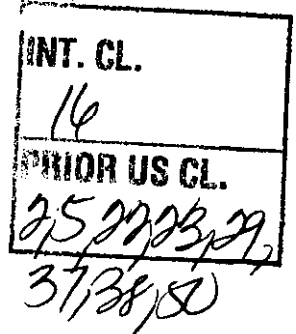
5208 N. 101 Trail  
Jupiter, FL 33478

FIRST USE:

February 20, 1990

FIRST USE IN  
INTERSTATE COMMERCE:

August 15, 1990



GOODS:

PRINTED PUBLICATIONS; NAMELY,  
NOVELS, SHORT STORYBOOKS IN A  
SERIES, AND ARTICLES IN A  
SERIES, in International Class  
016.

ATTORNEYS:

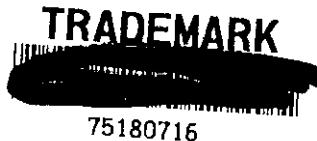
Michael A. Slavin  
McHALE & SLAVIN, P.A.  
4440 PGA Blvd. Suite 402  
Palm Beach Gardens, FL 33410  
(561) 625-6575

Attorney Docket No.

1691.00

Published  
01/27/98

LACEY DANCER



*Precious Gem Romance* Your Price: \$1.78

# CAPTIVICIE



ISBN 0-8277-9472-8

*Dancer*



*Precious Gem Romance* Your Price: \$1.78

# **SILKE**

ISBN: 0-8217-5134-3



*Lacey Dancer*

100% Cotton  
Your Price: \$1.78

LEORA

*Lacey Dancer* —

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

<b>SERIAL NO.</b> 75/180716 Clary, Sydney A.		<b>PAPER NO.</b>
<b>MARK</b> LACEY DANCER		<b>ADDRESS:</b> Assistant Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513  <small>If no fees are enclosed, the address should include the word "Box Responses - No Fee."</small> <b>Please provide in all correspondence:</b>  1. Filing Date, serial number, mark and Applicant's name. 2. Mailing date of this Office action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code.
<b>ADDRESS</b> MICHAEL A SLAVIN MCHALE & SLAVIN PA 4440 PGA BLVD STE 402 PALM BEACH GARDENS FL 33410	<b>ACTION NO.</b>  <b>MAILING DATE</b> MAY 29 1997 <b>REF. NO.</b>  1691.00	
<b>FORM PTO-1525 (5-90)</b> <b>U.S. DEPT. OF COMM. PAT. &amp; TM OFFICE</b>		

**A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.** For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

RE: Serial Number: 75/180716

**PLEASE NOTE:** All of the issues raised can be resolved by telephone. The applicant may telephone the examining attorney, instead of submitting a written response, to expedite the application.

The assigned examining attorney has reviewed the referenced application and determined the following.

**Identification of Goods**

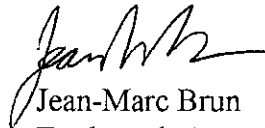
The wording "short storybooks" in the identification of goods is unacceptable as indefinite because the applicant must specify the subject matter of the goods, e.g., short storybooks containing fiction. The applicant must amend the identification to specify the common commercial name of the goods. If there is no common commercial name for the product, the applicant must describe the product and its intended uses. TMEP section 804.

The wording "articles in a series" in the identification of goods is unacceptable as indefinite because the applicant must specify that they are printed and the subject matter of such articles. The applicant must amend the identification to specify the common commercial name of the goods. If there is no common commercial name for the product, the applicant must describe the product and its intended uses. TMEP section 804.

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. Section 2.71(b); TMEP section 804.09. Therefore, the applicant may not amend to include any goods that are not within the scope of goods set forth in the present identification.

**Search Results**

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.



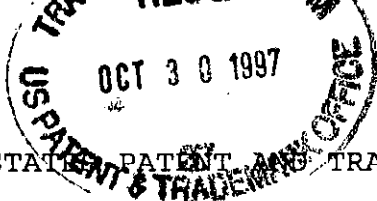
Jean-Marc Brun  
Trademark Attorney, Law Office 106  
(703) 308-9106 ext. 231

STMT NUMBER	TOTAL MARKS	LIVE VIEWED	DEAD VIEWED	SEARCH
01	1	1	0	PHRASCH /OW clary&sydney
02	4130	0	0	PHRASCH :lace:
03	1215	0	0	PHRASCH :dance:
04	2	2	0	PHRASCH 2&3
05	550	0	0	PHRASCH lace:
06	54	53	1	PHRASCH 5&016/cc~dead/ld
07	407	0	0	PHRASCH 3&016/cc~dead/ld
08	137	0	0	PHRASCH dancer
09	23	23	0	PHRASCH 8&016/cc~dead/ld

TERMINAL SESSION STARTED 05/08/97 2:53 P.M. (EASTERN TIME)

TERMINAL SESSION FINISHED 05/08/97 3:03 P.M. (EASTERN TIME)

ELAPSED TIME THIS SESSION 0 HRS AND 10 MIN



20106  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT: : Sydney A. Clary

MARK: : LACEY DANCER

SERIAL NUMBER: : 75/180,716

FILING DATE: : October 15, 1996

EXAMINER: : Jean-Marc Brun

LAW OFFICE: : 106

OUR FILE NO. : 1691.00

RECEIVED

1997 NOV -6 P 12:01

T.M.E.O.  
LAW OFFICE 106

-----

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Sir:

RESPONSE TO OFFICE ACTION  
DATED MAY 29, 1997

This paper is responsive to the Office Action dated May 29, 1997, having a response due date of November 29, 1997.

Identification of Goods:

The Examiner has requested that the identification of goods be amended. Please amend the identification of goods as follows:

AI  
Op

--Series of books, namely, romance novels  
in International Class 016--

REMARKS

The Applicant has amended the identification of goods as suggested by the Examiner in charge of the above-identified application.

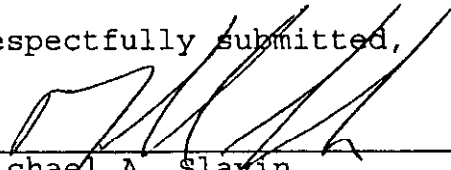
It is noted that the Examiner has found no similar or registered marks which would bar registration. Therefore, it is respectfully submitted that this application is in condition for publication and allowance.

Should the Examiner have questions or need further clarification regarding this application, he is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

Date: \_\_\_\_\_

10/20/97

  
\_\_\_\_\_  
Michael A. Slavin  
Reg. No. 34,016

Michael A. Slavin  
McHALE & SLAVIN, P.A.  
4440 PGA Blvd.  
Suite 402  
Palm Beach Gardens, FL 33410  
(561) 625-6575  
ctn\laceydan.amd

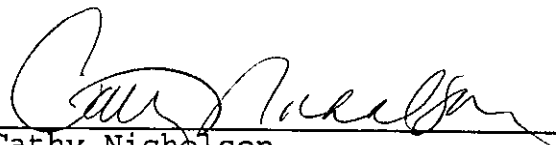
CERTIFICATE OF FIRST CLASS MAILING

I HEREBY CERTIFY that the following correspondence:  
**RESPONSE TO OFFICE ACTION** dated May 29, 1997; *Certificate of First Class Mail, and return-receipt postcard*; regarding the Trademark Application for LACEY DANCER, USSN: 75/180,716 is being deposited with the United States Postal Service as FIRST CLASS MAIL in an envelope addressed to:

Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

on October 27, 1997

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code.

  
Cathy Nicholson  
Legal Assistant

McHALE & SLAVIN, P.A.  
4440 PGA Blvd. Suite 402  
Palm Beach Gardens, FL 33410  
(561) 625-6575





Patent and Trademark Office

ASSISTANT COMMISSIONER FOR TRADEMARKS  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Dec 26, 1997

NOTICE OF PUBLICATION UNDER 12(a)

- |                                      |                                   |
|--------------------------------------|-----------------------------------|
| 1. Serial No.:<br>75/180,716         | 2. Mark:<br>LACEY DANCER          |
| 3. International Class(es):<br>16    |                                   |
| 4. Publication Date:<br>Jan 27, 1998 | 5. Applicant:<br>Clary, Sydney A. |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained at \$38.00 each for domestic orders, or at \$47.50 each for foreign orders from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: (202)512-1800

By direction of the Commissioner.

<STREET ADDRESS> 2855 PGA Boulevard  
<CTRY> Palm Beach Gardens  
<STATE> FL  
<POSTAL CODE> 33410  
<PHONE> 561-625-6575  
<FAX> 561-625-6572  
<EMAIL> palmbeach@m spatents.com  
<EMAIL AUTHORIZED> Y  
<SUBMIT DATE> Aug 11, 2003

<BOILERPLATE>  
<EMAIL>

The USPTO is authorized to communicate with the applicant at the listed email address.

<SIGNATURE>  
<SIGNATURE-NAME> /ms/  
<SIGNATORY-DATE> 20030811  
<SIGNATORY-NAME> Michael A. Slavin  
<SIGNATORY-POSITION> Attorney for Applicant

➤ Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2004-05-20 12:24:37 ET

**Serial Number:** 75636986

**Registration Number:** 2698054

**Mark**

**Dr. Seuss**

**(words only):** DR.SEUSS

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2003-03-18

**Filing Date:** 1999-02-09

**Transformed into a National Application:** No

**Registration Date:** 2003-03-18

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 110

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

**Current Location:** 900 -Warehouse (Newington)

**Date In Location:** 2004-05-18

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Dr. Seuss Enterprises, L. P.

**Composed Of:**

GEISEL-SEUSS ENTERPRISES, INC. A CALIFORNIA CORPORATION, AS THE GENERAL PARTNER, AND THREE LIMITED PARTNERS, NAMELY, AUDREY S. GEISEL, AND KARL ZOBELL, BOTH U.S. CITIZENS, AS TRUSTEES OF THE SURVIVOR'S TRUST; AUDREY S. GEISEL AND KARL ZOBEL

**➤ Address:**

Dr. Seuss Enterprises, L. P.  
C/O KARL ZOBELL, ESQ Gray Cary Ware & Freidenrich 1200 Prospect Street, Suite 575  
La Jolla, CA 920373610  
United States

**Legal Entity Type:** Limited Partnership

**State or Country Where Organized:** California

---

**GOODS AND/OR SERVICES**

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books and a series of books featuring children's stories

**International Class:** 016

**First Use Date:** 1937-00-00

**First Use in Commerce Date:** 1937-00-00

**Basis:** 1(a)

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2003-07-03 - Section 7 correction issued

2003-05-15 - Section 7 amendment filed

2003-05-15 - PAPER RECEIVED

2003-03-18 - Registered - Principal Register

2003-01-13 - Allowed for Registration - Principal Register (SOU accepted)

2002-10-21 - Communication received from applicant

2002-10-21 - PAPER RECEIVED

2002-09-30 - TEAS Change of Correspondence Received

2002-08-08 - Non-final action mailed

2002-06-14 - Communication received from applicant

2002-06-18 - Communication received from applicant

2002-06-18 - PAPER RECEIVED

2002-04-01 - Final refusal mailed  
2002-01-14 - Communication received from applicant  
2001-12-17 - Non-final action mailed  
2001-12-06 - Case file assigned to examining attorney  
2001-12-05 - Statement of use processing complete  
2001-11-26 - Amendment to Use filed  
2001-10-26 - Extension 3 granted  
2001-10-04 - Extension 3 filed  
2001-04-30 - Extension 2 granted  
2001-04-04 - Extension 2 filed  
2000-12-12 - Extension 1 granted  
2000-09-20 - Extension 1 filed  
2000-04-04 - Notice of allowance - mailed  
2000-01-11 - Published for opposition  
1999-12-10 - Notice of publication  
1999-09-27 - Approved for Pub - Principal Register (Initial exam)  
1999-09-13 - Case file assigned to examining attorney  
1999-08-27 - Case file assigned to examining attorney  
1999-08-10 - Case file assigned to examining attorney  
1999-08-05 - Case file assigned to examining attorney

---

**CONTACT INFORMATION**

---

**Correspondent (Owner)**

MELBA HOBAN  
GRAY CARY WARE & FREIDENRICH LLP  
SUITE 1100  
4365 EXECUTIVE DRIVE  
SAN DIEGO CA 92121-2133  
**Phone Number:** 858-638-6921  
**Fax Number:** 858-677-1477

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75-636



Dr. Sel

DR. SEU

LAW OFFICE

PRINCIP

ATTORNEY ADVISOR: Daniel Capshaw

Daniel Capshaw

PUBLISHED  
01/11/00 11

Examining Attorney—(Please Print Name)  
Daniel Capshaw

Approved for Publication (Principal Register)—(Signature)

Approved for Registration (Section 1(d))—(Signature)

Approved for Registration (Supplemental Register)—(Signature)

Trademark O.G.

ed—(Signature)

Section 15—(Signature)

Section 9 Renewal Accepted—(Signature)

AUG 1 1999

106

Entry

Date

Initials

LAW OFFICE 103

1.			
2.	NOP 11		
3.	01\11\00		
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6.			
7.	NOA 02		
8.	04/04/00		
9.			
10.	EXT REQ FILED	9/20/00	SLC
11.	EXT REQ GRANTED	12/12/00	SLC
12.	EXT REQ FILED	04.04.01	Amul
13.	EXT REQ GRANTED	04.30.01	Amul
14.	EXT REQ FILED Cefm 10/4/01	10/10/01	OK
15.		OCT 26 2001	
16.	SOU FILED	11.21.01	AS
17.			
18.	LTR, Nec, 8003	01/14/02 FEB 27 2002	AS
19.		APR -1 2002	AS
20.	Amclta, subdurg Cefm 6-14-02	107802 JUL 5 2002	AS
21.		AUG -8 2002	
22.	LTR, SUB DWG	10-21-02	AS
23.	Request for Case	5-15-03	AS
24.			
25.			
26.			
27.			
28.			
29.			
30.			

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 2,698,054

United States Patent and Trademark Office

Registered Mar. 18, 2003

Corrected

OG Date Aug. 12, 2003

TRADEMARK  
PRINCIPAL REGISTER

**Dr. Seuss**

DR. SEUSS ENTERPRISES, L. P. (CALI-  
FORNIA LIMITED PARTNERSHIP)  
C/O KARL ZOBELL, ESQ  
GRAY CARY WARE & FREIDENRICH  
1200 PROSPECT STREET, SUITE 575  
LA JOLLA, CA 920373610

FOR: BOOKS AND A SERIES OF  
BOOKS FEATURING CHILDREN'S  
STORIES, IN CLASS 16 (U.S. CLS. 2, 5,  
22, 23, 29, 37, 38 AND 50).  
FIRST USE 0-0-1937; IN COMMERCE  
0-0-1937.  
SER. NO. 75-636,986, FILED 2-9-1999.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Aug. 12, 2003.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE



Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

**United States Patent and Trademark Office**

Reg. No. 2,698,054

Registered Mar. 18, 2003

**TRADEMARK  
PRINCIPAL REGISTER**

# Dr. Seuss

DR. SEUSS ENTERPRISES, L. P. (CALIFORNIA  
LIMITED PARTNERSHIP)  
C/O KARL ZOBELL, ESQ.  
GRAY CARY WARE & FREIDENRICH 1200 PRO-  
SPECT STREET CT STREET  
LA JOLLA, CA 92037

FIRST USE 0-0-1937; IN COMMERCE 0-0-1937.

SN 75-636,986, FILED 2-9-1999.

FOR: BOOKS AND A SERIES OF BOOKS FEA-  
TURING CHILDREN'S STORIES, IN CLASS 16 (U.S.  
CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

DANIEL CAPSHAW, EXAMINING ATTORNEY

TRADEMARK APPLICATION SERIAL NO.

75636986

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

02/22/1999 VBRISCOE 00000031 75636986

01 FC:361

245.00 DP

Mark: **DR. SEUSS (Stylized)**

Class: 16

Docket: T02983USO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: **DR. SEUSS (Stylized)**

Applicant: Dr. Seuss Enterprises, L.P.

Filed: February 9, 1999

Class: 16

CERTIFICATION UNDER 37 CFR §1.10

I hereby certify that this new Application and documents referred to as enclosed herein are being deposited with the United States Postal Service on this date February 9, 1999 in an envelope bearing "Express Mail Post Office to Addressee" mailing label number shown below addressed to: BOX NEW APPLICATION, FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513

Nancy O. Dix

(Name of person mailing paper)

Signature

EL246418363US

BOX NEW APPLICATION

FEE

Assistant Commissioner for Trademarks

2900 Crystal Drive

Arlington, VA 22202-3513

TRANSMITTAL OF INTENT-TO-USE TRADEMARK APPLICATION


Dear Sir:

Enclosed are the following documents:

1. Application for Trademark Registration Under Section 1b with Declaration.
2. Drawing page.
3. Power of Attorney.
4. Our Check Number 409300 in the amount of \$245.00 to cover the application filing fee.

5. The Commissioner is hereby authorized to charge Deposit Account No. 07-1895 for all trademark fees that may become due during pendency of subject trademark application. A duplicate copy of this sheet is enclosed.
6. Postcard verifying receipt at PTO.

Respectfully submitted,

  
Nancy O. Dix

Dated: February 9, 1999

Nancy O. Dix, Esq.  
GRAY CARY WARE & FREIDENRICH  
401 "B" Street, Suite 1700  
San Diego, CA 92101-4297  
Telephone: (619) 699-2921  
Facsimile: (619) 236-1048

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: **DR. SEUSS (stylized)**

Applicant: Dr. Seuss Enterprises, L. P.

By: Geisel-Seuss Enterprises, Inc.

Its General Partner

State of Business: California Limited Partnership

Applicant Business Address:

c/o Karl ZoBell, Esq.

GRAY CARY WARE & FREIDENRICH

1200 Prospect Street

La Jolla, CA 92037

Filed: February 9, 1999

Class: 16

---

BOX NEW APPLICATION

FEE

Assistant Commissioner for Trademarks

2900 Crystal Drive

Arlington, VA 22202-3513

INTENT-TO-USE

TRADEMARK APPLICATION/PRINCIPAL REGISTER

Applicant requests registration of the above-identified trademark mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended) for the following goods: books and a series of books featuring children's stories in International Class 16.

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above-identified goods. (15 U.S.C. 1051(b), as amended.)

Applicant intends to use the mark on or in connection with the goods by printing it directly on the goods, on labels attached to the goods, on containers of the goods or in other ways customary in the trade.

Identification of Applicant: Dr. Seuss Enterprises, L.P., a partnership organized under the laws of California, is composed of Geisel-Seuss Enterprises, Inc. (a California Corporation), as the General Partner, and three limited partners, namely Audrey S. Geisel, a United States Citizen, and Karl ZoBell, a United States Citizen, as Trustees of the Survivor's Trust; Audrey S. Geisel and Karl ZoBell, as Trustees of the Marital Trust; and the San Diego Community Foundation, organized under the laws of the State of California.

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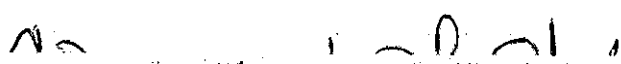
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## DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this document on behalf of the Applicant; he believes the Applicant to be the owner of the mark sought to be registered, or if the application is being filed under 15 U.S.C. 1051(b), he believes the Applicant to be entitled to use such mark in commerce; to the best of his knowledge and belief no other person, firm, corporation or association has the right to use such mark in commerce, either in the identical form of the mark or in such near resemblance to the mark as to be likely, when used on or in connection with the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

## POWER OF ATTORNEY AT LAW

Applicant hereby appoints the following attorneys of the law firm of Gray Cary Ware & Freidenrich: Nancy O. Dix, Mary B. Scott, Cathy Ann Bencivengo, Alex Rogers, Mildred V. Basden, and Amy Harris as principal attorneys with power to appoint associate attorneys, to prosecute this application, to transact all business in the United States Patent & Trademark Office in connection therewith, and to receive the certificate of registration. Please direct all written communication regarding this application to:

Nancy O. Dix  
GRAY CARY WARE & FREIDENRICH  
401 B Street, Suite 1700  
San Diego, California 92101-4219

Please direct all telephone calls to:

Nancy O. Dix  
Telephone: (619) 699-2921  
Facsimile: (619) 236-1048

Dr. Seuss Enterprises, L. P.  
By: Geisel-Seuss Enterprises, Inc.  
Its General Partner

Date: January 24, 1999

  
Karl ZoBell, Secretary

## DRAWING PAGE

INT CLASS

Applicant's Name: Dr. Seuss Enterprises, L. P.  
By: Geisel-Seuss Enterprises, Inc.,  
Its General Partner

Applicant's Address: c/o Karl ZoBell, Esq.  
GRAY CARY WARE & FREIDENRICH  
1200 Prospect Street  
La Jolla, CA 92037

Date of First Use of the Mark: N/A

Date of First Use in Commerce  
Which May be Regulated by Congress: N/A

Goods: books and a series of books featuring children's stories in International Class 16

5509



Dr. Seuss

Caneel

Attorney for Applicant:

Nancy O. Dix  
GRAY CARY WARE & FREIDENRICH  
401 B Street, Suite 1700  
San Diego, California 92101-4297  
Telephone: (619) 699-2921  
Facsimile: (619) 236-1048

PUBLISHED  
01/11/00 11

SD\1092443  
100335-145575

4

TRADEMARK

75636986



#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	38675	N/A	0	0	0:02	*dr*[bi,ti] or *doc*[bi,ti]
02	239	N/A	0	0	0:01	*sues*[bi,ti] or *seus*[bi,ti]
03	8	3	5	5	0:01	1 and 2

Session started 9/13/99 1:40:14 PM  
 Session finished 9/13/99 1:41:12 PM  
 Total search duration 0:04 minutes  
 Session Duration 0:58 minutes

Default NEAR limit= 1 ADJ limit= 1

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	64	N/A	0	0	P/0:01	*seus*[bi,ti]
02	64	22	42	42	P/0:01	*seus*[bi,ti]

Session started 9/13/99 1:41:22 PM

Session finished 9/13/99 1:42:14 PM

Total search duration 0:02 minutes

Session Duration 0:52 minutes

Default NEAR limit= 1 ADJ limit= 1

U.S. Patent and Trademark Office (PTO)  
**NOTICE OF ALLOWANCE**

(NOTE: If any data on this notice is incorrect, please submit a written request for correction of the NOA to: Assistant Commissioner for Trademarks, Box 1TU, 2900 Crystal Drive, Arlington, VA 22202-3513. Please include the serial number of your application on ALL correspondence with the PTO. 15 U.S.C. 1063(b)(2))

ISSUE DATE OF NOA: Apr 4, 2000

NANCY O. DIX  
GRAY CARY WARE & FREIDENRICH  
401 B STREET, SUITE 1700  
SAN DIEGO, CALIFORNIA 92101-4219

ATTORNEY  
REFERENCE NUMBER  
T02983US0

**\*\* IMPORTANT INFORMATION: 6 MONTH DEADLINE \*\***

To avoid ABANDONMENT of this application, either a "Statement of Use" (a.k.a. "Allegation of Use") or a "Request for Extension of Time to File a Statement of Use" (a.k.a. "Extension Request") and the appropriate fee(s) must be received in the PTO within six months of the issue date of this Notice Of Allowance (NOA) for those goods and/or services based on intent to use. Failure to do so will result in the ABANDONMENT of this application.

Please note that both the "Statement of Use" and "Extension Request" have many legal requirements, including fees. These requirements are explained in the PTO booklet "Basic Facts About Trademarks", which can be obtained upon request at (703)308-9000. In addition, there are printed forms contained in this booklet (for "Statements of Use" and "Extension Requests") for your use.

The following information should be reviewed for accuracy:

SERIAL NUMBER: 75/636986  
MARK: DR.SEUSS (STYLIZED)  
OWNER: Dr. Seuss Enterprises, L. P.  
C/O KARL ZOBELL, ESQ.  
Gray Cary Ware & Freidenrich 1200 Prospect Street  
La Jolla, CALIFORNIA 92037

This application has the following bases, but not necessarily for all listed goods/services:  
Section 1(a): NO      Section 1(b): YES      Section 44(e): NO

**GOODS/SERVICES BY INTERNATIONAL CLASS**

016-books and a series of books featuring children's stories

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

Mark: **DR. SEUSS (Stylized)**

Class: 16

Docket: T02983US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: **DR. SEUSS (Stylized)**

Applicant: Dr. Seuss Enterprises L.P.

By: Geisel-Seuss Enterprises, Inc.,  
Its General Partner

Serial No.: 75/636,986

Filed: February 9, 1999

Class: 16

Notice of Allowance Mailing

Date: April 4, 2000

BOX ITU

FEE

Assistant Commissioner for Trademarks

2900 Crystal Drive

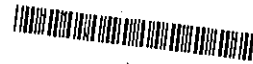
Arlington, VA 22202-3513

CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, September 25, 2000, in an envelope addressed to: BOX ITU, FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

Ram Gomez  
(Name of person mailing paper)

Signature



09-25-2000

U.S. Patent & TMO/TM Mail Rpt Dt. #28

TRANSMITTAL OF FIRST REQUEST FOR EXTENSION OF TIME  
TO FILE A STATEMENT OF USE

Dear Sir:

Enclosed are the following documents:

1. First Request for Extension of Time Under 37 CFR § 2.89 to File a Statement of Use, With Declaration.
2. Our Check Number 454719 in the amount of \$150.00 to cover the filing fee.

3. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1895. A duplicate copy of this sheet is enclosed.
4. Postcard verifying receipt at PTO.

Respectfully submitted,



Nancy O. Dix, Esq.

Dated: September 20, 2000

Nancy O. Dix, Esq.  
GRAY CARY WARE & FREIDENRICH LLP  
401 "B" Street, Suite 1700  
San Diego, CA 92101-4297  
Telephone: (619) 699-2921  
Facsimile: (619) 236-1048

Mark: **DR. SUESS (Stylized)**

Class: 16

Docket: T02983US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: **DR. SEUSS (Stylized)**

Applicant: Dr. Seuss Enterprises L.P.

By: Geisel-Seuss Enterprises, Inc.

Its General Partner

Serial No.: 75/636,986

Filed: February 9, 1999

Class: 16

Notice of Allowance Mailing

Date: April 4, 2000

**EXT REQ GRANTED**

12/12/00

Box ITU

FEE

Assistant Commissioner for Trademarks

2900 Crystal Drive

Arlington, VA 22202-3513

FIRST REQUEST FOR EXTENSION OF TIME  
TO FILE A STATEMENT OF USE

Dear Sir:

Applicant requests a six-month extension of time under 37 CFR 2.89 to file the Statement of Use under 37 CFR 2.88 in the above-identified application.

Applicant has a continued bona fide intention to use the mark in commerce in connection with the goods identified in the Notice of Allowance of this application.

10/02/2000 THINTON 00000025 75636986

This is the first request for an Extension of Time following mailing of the Notice of Allowance.

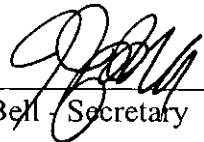
01 FC:364

## DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this document on behalf of the Applicant; he believes the Applicant to be the owner of the mark sought to be registered; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Dr. Seuss Enterprises, L.P.  
By: Geisel-Seuss Enterprises, Inc.,  
Its General Partner

Date: September 19, 2000

  
\_\_\_\_\_  
Karl ZoBell Secretary

4/00

Mark: DR. SEUSS (Stylized)

Class: 16

Docket: T02983US0

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: DR. SEUSS (Stylized)

Applicant: Dr. Seuss Enterprises L.P.

By: Geisel-Seuss Enterprises, Inc.,  
Its General Partner

Serial No.: 75/636,986

Filed: February 9, 1999

Class: 16

Notice of Allowance Mailing

Date: April 4, 2000

## CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, April 4, 2001, in an envelope addressed to: BOX ITU, FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

(Name of person mailing paper)

Signature

BOX ITU

FEE

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

TRANSMITTAL OF SECOND REQUEST FOR EXTENSION OF TIME  
TO FILE A STATEMENT OF USE

Dear Sir:


Enclosed are the following documents:

1. Second Request for Extension of Time Under 37 CFR § 2.89 to File a Statement of Use, With Declaration.
2. Our Check Number 473308 in the amount of \$150.00 to cover the filing fee.



3. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1895. A duplicate copy of this sheet is enclosed.
4. Postcard verifying receipt at PTO.

Respectfully submitted,



Nancy O. Dix, Esq.

Dated: April 4, 2001

Nancy O. Dix, Esq.  
GRAY CARY WARE & FREIDENRICH LLP  
401 "B" Street, Suite 1700  
San Diego, CA 92101-4297  
Telephone: (619) 699-2921  
Facsimile: (619) 699-2701

04-09-2001

U.S. Patent & TMO/TM Mail Rpt Dt. #26

Mark: DR SEUSS (Stylized)

Class: 16

Docket: T02983US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: DR. SEUSS (Stylized) )  
Applicant: Dr. Seuss Enterprises L.P. )  
By: Geisel-Seuss Enterprises, Inc., )  
Its General Partner )  
Serial No.: 75/636,986 )  
Filed: February 9, 1999 )  
Class: 16 )  
Notice of Allowance Mailing )  
Date: April 4, 2000 )

04-30-01 Qmw  
EXT REQ GRANTED

Box ITU  
FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

SECOND REQUEST FOR EXTENSION OF TIME  
TO FILE A STATEMENT OF USE

Dear Sir:

Applicant hereby requests a six-month extension of time under 37 CFR 2.89 to file the Statement of Use under 37 CFR 2.88 in the above-identified application.

Applicant has a continued bona fide intention to use the mark in commerce in connection with the goods identified in the Notice of Allowance in this application.

This is the second request for an Extension of Time following mailing of the Notice of Allowance. Applicant has not used the mark in commerce yet on all goods specified in the Notice of Allowance, however, Applicant has made the following ongoing efforts to use the

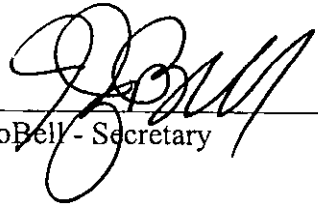
mark in commerce on or in connection with each of the goods specified above: product research or development or other similar activities.

## DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this document on behalf of the Applicant; he believes the Applicant to be the owner of the mark sought to be registered; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Dr. Seuss Enterprises, L.P.  
By: Geisel-Seuss Enterprises, Inc.,  
Its General Partner

Date: April 2, 2001

  
\_\_\_\_\_  
Karl ZoBell - Secretary

10-10-2001  
U.S. Patent & TMO/TM Mail Rcpt Dt #151

Mark: DR. SEUSS (Stylized)

Class: 16

Docket: T02983US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: DR. SEUSS (Stylized)

Applicant: Dr. Seuss Enterprises L.P.

By: Geisel-Seuss Enterprises, Inc.,  
Its General Partner

Serial No.: 75/636,986

Filed: February 9, 1999

Class: 16

Notice of Allowance Mailing

Date: April 4, 2000

BOX ITU

FEE

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, October 4, 2001, in an envelope addressed to: BOX ITU, FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

T. Michelle Hauser

(Name of person mailing paper)

Signature

TRANSMITTAL OF THIRD REQUEST FOR EXTENSION OF TIME  
TO FILE A STATEMENT OF USE

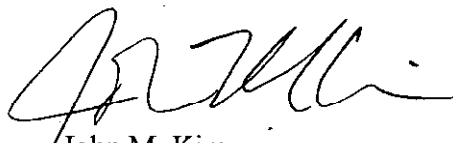
Dear Sir:

Enclosed are the following documents:

1. Third Request for Extension of Time Under 37 CFR § 2.89 to File a Statement of Use, With Declaration.
2. Our Check Number 490822 in the amount of \$150.00 to cover the filing fee.

3. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1895. A duplicate copy of this sheet is enclosed.
4. Postcard verifying receipt at PTO.

Respectfully submitted,



John M. Kim

Dated: October 4, 2001

John M. Kim, Esq.  
GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2189

Telephone (858) 638-6859<sup>3</sup>  
Facsimile (858) 677-1477

10-10-2001

U.S. Patent & TMO/TM Mail Rpt Dt #5:

Mark: DR SEUSS (Stylized)

Class: 16

Docket: T02983US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: DR. SEUSS (Stylized) )  
Applicant: Dr. Seuss Enterprises L.P. )  
By: Geisel-Seuss Enterprises, Inc., )  
Its General Partner )  
Serial No.: 75/636,986 )  
Filed: February 9, 1999 )  
Class: 16 )  
Notice of Allowance Mailing )  
Date: April 4, 2000 )

Box ITU  
FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

THIRD REQUEST FOR EXTENSION OF TIME  
TO FILE A STATEMENT OF USE

Dear Sir:

Applicant hereby requests a six-month extension of time under 37 CFR 2.89 to file the Statement of Use under 37 CFR 2.88 in the above-identified application.

Applicant has a continued bona fide intention to use the mark in commerce in connection with the goods identified in the Notice of Allowance in this application.

This is the third request for an Extension of Time following mailing of the Notice of Allowance. Applicant has not used the mark in commerce yet on all goods specified in the Notice of Allowance, however, Applicant has made the following ongoing efforts to use the

10/15/2001 KGBBONS 00000073 75636986

01 FC:364

150.00 OP

Gray Cary\SD\1471269  
100335-145575

mark in commerce on or in connection with each of the goods specified above: product research or development or other similar activities.

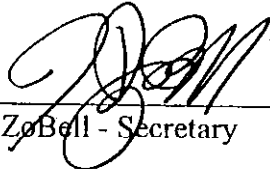


## DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this document on behalf of the Applicant; he believes the Applicant to be the owner of the mark sought to be registered; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Dr. Seuss Enterprises, L.P.  
By: Geisel-Seuss Enterprises, Inc.,  
Its General Partner

Date: October 2, 2001

  
\_\_\_\_\_  
Karl ZoBell - Secretary

11-26-2001

U.S. Patent & TMO/TM Mail Rcpt Dt. #26

Mark: DR. SEUSS stylized

Class: 16

Docket: T02983US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: DR. SEUSS stylized

Applicant: Dr. Seuss Enterprises, L.P.

Serial No.: 75/636,986

Filed: February 9, 1999

Class: 16

Notice of Allowance Mailing

Date: April 4, 2000

BOX ITU

FEE

Assistant Commissioner for Trademarks

2900 Crystal Drive

Arlington, VA 22202-3513

CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, November 21, 2001, in an envelope addressed to: BOX ITU, FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513

*Sam Gomez*  
(Name of person mailing paper)

*[Signature]*  
Signature

2001 NOV 28 P 3:39

T.M.S.D.  
I.T.U. UNIT

TRANSMITTAL OF STATEMENT OF USE

Dear Sir:

Enclosed are the following documents:

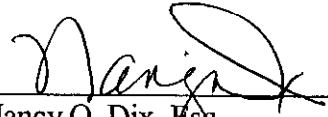
1. Statement of Use, Under 37 CFR 2.88, With Declaration.
2. Our Check Number 494430 in the amount of \$100.00 to cover the filing fee.
3. One specimen showing the mark as used in commerce.

XX

4. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1895. A duplicate copy of this sheet is enclosed.
5. Postcard verifying receipt at PTO.

Respectfully submitted,

Dated: November 21, 2001

  
Nancy O. Dix, Esq.

Nancy O. Dix, Esq.  
GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133  
Telephone: (858) 638-6921  
Facsimile: (858) 677-1477

11-26-2001

U.S. Patent & TMO/TM Mail Rpt Dt. #26

Mark: **DR. SEUSS stylized**

Class: 16

Docket: T02983US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: **DR. SEUSS stylized**

Applicant: Dr. Seuss Enterprises, L.P.

Serial No.: 75/636,986

Filed: February 9, 1999

Class: 16

Notice of Allowance

Date: April 4, 2000

Box ITU

FEE

Assistant Commissioner for Trademarks

2900 Crystal Drive

Arlington, VA 22202-3513

STATEMENT OF USE, UNDER 37 CFR 2.88, WITH DECLARATION

Dear Sir:

Applicant requests registration of the above-identified trademark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946. Applicant is using the mark in interstate commerce on or in connection with the goods identified in the Notice of Allowance. (15 U.S.C. 1051(a), as amended).

The date of first use of the mark anywhere was at least as early as 1937.

The date of first use of the mark in interstate commerce was at least as early as 1937.

11/28/2001 0THOMAS2 00000032 75636986

01 FC:363

100.00 0P

The mark is used on or in connection with the goods by printing it directly on the goods, on labels attached to the goods, on containers of the goods, or in other ways customary in the trade. One specimen per class showing the mark as used in commerce is submitted with this application. The specimen is a photocopy of a marketing brochure offering a series of books for sale to consumers, which clearly bears the mark.

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DECLARATION

11-26-2001

U.S. Patent & TMOs/TM Mail Rcpt Dt. #26

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this document on behalf of the Applicant; he believes the Applicant to be the owner of the mark sought to be registered; that the mark is now in use in commerce; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Dr. Seuss Enterprises, L.P.

Date: 13 November 2001

  
Karl ZoBell - Secretary/Vice-President

**LOOK!**

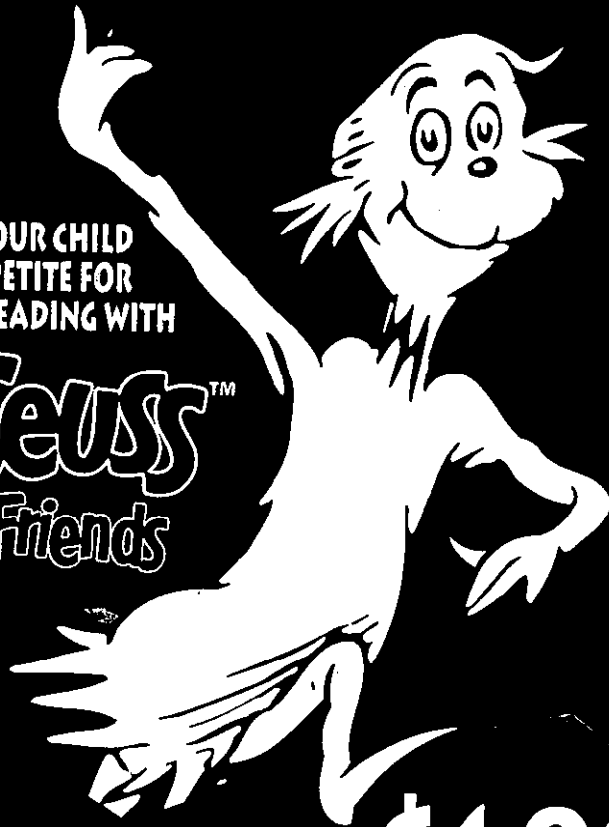
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GREEN EGGS  
& HAM**



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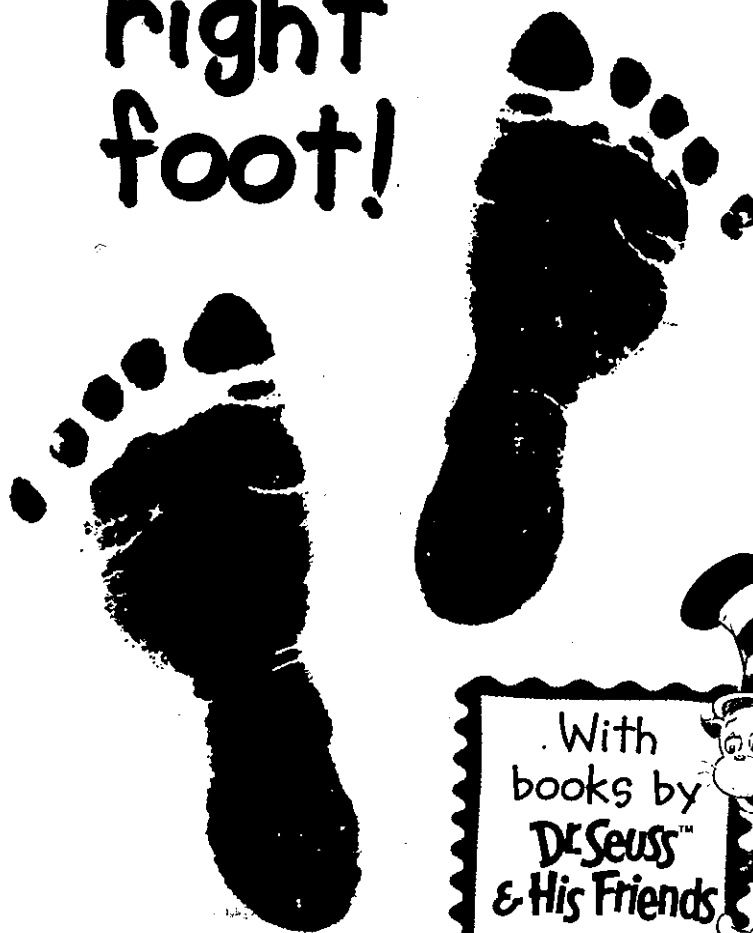
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**THE CAT IN THE HAT**

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**plus**

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If not 100% satisfied, I may return the 8 books — your expense within 10 days and owe Grolier nothing.

If I continue as a member, shipments of two books each will be sent every four weeks on 10-day approval for only \$4.99\* per book, a 38% savings off the comparable retail price of \$7.99.

I may examine the books for 10 days, and return any book in the program at your expense. After accepting as few as four shipments of two books each, I may cancel at any time by following the instructions on my invoice.

By joining, I will also receive up to three times each year, on approval, two giant-size Dr. Seuss™ classics to supplement my series. I will be notified prior to shipment with details and the then-current price; I may cancel any shipment I do not wish to receive.

The **FREE** mystery gift is mine to keep no matter what I decide. \*Plus shipping, handling and applicable sales tax. Late charges apply to overdue payments. All orders subject to approval.

CODE: 093670K42-9

Print Child's Full Name \_\_\_\_\_

Birthdate: MO. \_\_\_\_\_ DAY \_\_\_\_\_ YR. \_\_\_\_\_ ☐ Boy ☐ Girl

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone ( \_\_\_\_\_ ) Area Code \_\_\_\_\_

Print Your Full Name \_\_\_\_\_

☐ Mr. ☐ Mrs. ☐ Ms.

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# UNITED STATES PATENT AND TRADEMARK OFFICE

<p><b>SERIAL NO.</b> 75/636986</p> <p style="text-align: right;"><b>APPLICANT</b> Dr. Seuss Enterprises, L. P.</p> <hr/> <p><b>MARK</b> DR. SEUSS (STYLIZED)</p> <hr/> <p><b>ADDRESS</b> JOHN M. KIN GRAY CARY WARE &amp; FREIDENRICH 4365 EXECUTIVE DR STE 1100 SAN DIEGO CA 92121-2133</p>		<p><b>PAPER NO.</b></p> <hr/> <p><b>ADDRESS:</b> Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513 www.uspto.gov</p> <p><small>If no fees are enclosed, the address should include the words "Box Responses - No Fee."</small></p> <hr/> <p><small>Please provide in all correspondence:</small></p> <ol style="list-style-type: none"> <li>1. Filing Date, serial number, mark and Applicant's name.</li> <li>2. Mailing date of this Office action.</li> <li>3. Examining Attorney's name and Law Office number.</li> <li>4. Your telephone number and ZIP code.</li> </ol>		
<p><b>FORM PTO-1525 (5-90)</b></p> <p style="text-align: right;"><b>U.S. DEPT. OF COMM. PAT. &amp; TM OFFICE</b></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px 5px;"><b>ACTION NO.</b> 01</td> </tr> <tr> <td style="padding: 2px 5px;"><b>MAILING DATE</b> 12/17/01</td> </tr> <tr> <td style="padding: 2px 5px;"><b>REF. NO.</b></td> </tr> </table>	<b>ACTION NO.</b> 01	<b>MAILING DATE</b> 12/17/01	<b>REF. NO.</b>
<b>ACTION NO.</b> 01				
<b>MAILING DATE</b> 12/17/01				
<b>REF. NO.</b>				

**A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.**

*For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.*

RE: Serial Number: 75/636986

The examining attorney acknowledges the applicant's statement of use. The specimen submitted therewith however, is unacceptable.

**Drawing**

The drawing and the specimens do not agree. The drawing displays the mark DR. SEUSS in special form. However, this differs from the display of the mark on the specimens, where it appears as DR. SEUSS & HIS FRIENDS. The applicant must either:

- (1) submit a new drawing of the mark which agrees with the specimens; or
- (2) submit a substitute specimen which shows use of the mark shown in the drawing.

37 C.F.R. Section 2.51; TMEP section 807.14. The applicant may not amend the drawing if the amendment would materially alter the character of the mark. 37 C.F.R. Section 2.72(a); TMEP section 807.14(a). The applicant must verify, with an affidavit or a declaration under 37 C.F.R. Section 2.20, that the substitute specimen was in use in commerce prior to the expiration of the time allowed to the applicant for filing a statement of use. *Jim Dandy Co. v. Siler City Mills, Inc.*, 209 USPQ 764 (TTAB 1981); 37 C.F.R. Section 2.59(b); TMEP section 905.10.

The following is a properly worded declaration under 37 C.F.R. Section 2.20. At the end of the response, the applicant should insert the declaration signed by an officer of the corporation.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that the facts set forth in this application are true; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print or Type Name and Position)

\_\_\_\_\_  
(Date)

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.



Daniel F. Capshaw  
Examining Attorney  
Law Office 109  
703-308-9109, ext. 199

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: **DR. SEUSS stylized** ) Examining Attorney:  
Applicant: Dr. Seuss Enterprises, L.P. ) Daniel F. Capshaw  
Serial No.: 75/636,986 ) Law Office: 109  
Filed: February 9, 1999 )  
Class: 16 )

Box RESPONSES

NO FEE

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

RESPONSE TO OFFICE ACTION

Dear Sir:

This communication is in response to the Office Action mailed **December 17, 2001**, whereby the Examining Attorney set forth the following:

1. Applicant is required to submit a new drawing of the mark which agrees with the specimens, or submit a substitute specimen which shows use of the mark shown in the drawing.

REMARKS

The Examiner advises that the specimens submitted with the Statement of Use were unacceptable as they did not agree with the mark shown on the drawing page of the application. Applicant hereby submits substitute specimens showing use of the mark as shown

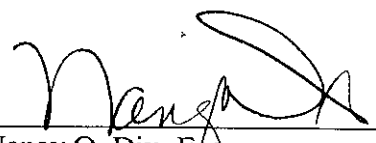
on the drawing page. The specimens are accompanied by a Declaration under 37 C.F.R. Section 2.20 as executed by the Applicant.

CONCLUSION

In view of the foregoing remarks it is believed the mark applied for is in condition for registration. Favorable action is therefore requested.

Respectfully submitted,

Dated: January 8, 2002

  
\_\_\_\_\_  
Nancy O. Dix, Esq.

Nancy O. Dix, Esq.  
GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133  
Telephone: (858) 638-6921  
Facsimile: (858) 677-1477

Mark: **DR. SEUSS stylized**

Class: 16

Docket: T02983US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: **DR. SEUSS stylized**

Applicant: Dr. Seuss Enterprises, L.P.

Serial No.: 75/636,986

Filed: February 9, 1999

Class: 16

NO FEE

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

DECLARATION UNDER 37 C.F.R. § 2.20

The substitute specimens submitted herewith were in use in commerce at least as early as the expiration of time allowed to the Applicant for filing a statement of use.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this document on behalf of the Applicant; that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Dr. Seuss Enterprises, L.P.

Dated: January 7, 2002

By: 

(Signature)

Karl ZoBell – Secretary, Vice-President



01-14-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #76

20-109  
Mark: **DR. SEUSS stylized**

Serial No.: 75/636,986

Docket: T02983US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: **DR. SEUSS stylized**

Applicant: Dr. Seuss Enterprises, L.P.

Serial No.: 75/636,986

Filed: February 9, 1999

Class: 16

) Examining Attorney:

) Daniel F. Capshaw

) Law Office: 109

CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date January 8, 2002, as in an envelope addressed to "BOX RESPONSES, FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513"

(Name of person mailing paper)

Signature

BOX RESPONSES

NO FEE

Assistant Commissioner for Trademarks

2900 Crystal Drive

Arlington, VA 22202-3513

TRANSMITTAL OF RESPONSE TO OFFICE ACTION

Dear Sir:

Enclosed are the following documents:

1. Response to Office Action.
2. Declaration under 37 C.F.R. § 2.20
3. Substitute Specimens showing use of the mark.

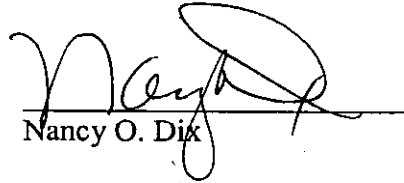
Gray Cary\SD\1487536.1

100335-145575

4. The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 07-1895. A duplicate copy of this sheet is enclosed.
5. Postcard verifying receipt at PTO.

Respectfully submitted,

Dated: January 8, 2002

  
Nancy O. Dix

Nancy O. Dix, Esq.  
GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133  
Telephone: (858) 638-6921  
Facsimile: (858) 677-1477

## UNITED STATES PATENT AND TRADEMARK OFFICE

<b>SERIAL NO.</b> 75/636986 Dr. Seuss Enterprises, L. P.		<b>PAPER NO.</b>	
		<b>ADDRESS:</b> Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513 www.uspto.gov  If no fees are enclosed, the address should include the words "Box Responses - No Fee."	
<b>MARK</b> DR. SEUSS (STYLIZED)		<b>ADDRESS:</b> JOHN M. KIN GRAY CARY WARE & FRIEDENRICH 4365 EXECUTIVE DR STE 1100 SAN DIEGO CA 92121-4135	
<b>FORM PTO-1525 (5-90)</b>		<b>ACTION NO.</b> 03	Please provide in all correspondence: 1. Filing Date, serial number, mark and Applicant's name. 2. Mailing date of this Office action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code.
<b>U.S. DEPT. OF COMM. &amp; TM OFFICE</b>		<b>MAILING DATE</b> 04/01/02	
		<b>REF. NO.</b>	

**A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.**

*For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.*

RE: Serial Number: 75/636986

The examining attorney acknowledges the applicant's response to the office action of December 17, 2001. The substitute specimen does not remove the requirement for agreement between the drawing and specimen as the substitute specimen presents the mark in the same way as did the original specimens. Therefore, the requirement for agreement between the drawing and specimen is maintained and made FINAL.

#### Drawing

The drawing and the specimens do not agree. The drawing displays the mark DR. SEUSS in special form. However, this differs from the display of the mark on the specimens, where it appears as DR. SEUSS & HIS FRIENDS. The applicant must either:

- (1) submit a new drawing of the mark which agrees with the specimens; or
- (2) submit a substitute specimen which shows use of the mark shown in the drawing.

37 C.F.R. Section 2.51; TMEP section 807.14. The applicant may not amend the drawing if the amendment would materially alter the character of the mark. 37 C.F.R. Section 2.72(a); TMEP section 807.14(a). The applicant must verify, with an affidavit or a declaration under 37 C.F.R. Section 2.20, that the substitute specimen was in use in commerce prior to the expiration of the time allowed to the applicant for filing a statement of use. *Jim Dandy Co. v. Siler City Mills, Inc.*, 209 USPQ 764 (TTAB 1981); 37 C.F.R. Section 2.59(b); TMEP section 905.10.

The following is a properly worded declaration under 37 C.F.R. Section 2.20. At the end of the response, the applicant should insert the declaration signed by an officer of the corporation.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that the facts set forth in this application are true; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print or Type Name and Position)

\_\_\_\_\_  
(Date)

Please note that the only appropriate responses to a final action are either (1) compliance with the outstanding requirements, if feasible, or (2) filing of an appeal to the Trademark Trial and Appeal Board. 37 C.F.R. §2.64(a). If the applicant fails to respond within six months of the mailing date of this refusal, this Office will declare the application abandoned. 37 C.F.R. §2.65(a).

#### **NOTICE FOR APPLICANTS FILING IN INTERNATIONAL CLASS 42**

Effective January 1, 2002, the 8th edition of the Nice Agreement governing the classification of goods and services divided prior International Class 42 into four service mark classes. Information about revised International Class 42 and new International Classes 43, 44, and 45 is available at [www.uspto.gov/web/offices/tac/notices/notices.htm](http://www.uspto.gov/web/offices/tac/notices/notices.htm).

***All applications filed on or after January 1, 2002, must comply with the new classification schedule.*** For applications filed *before* January 1, 2002, the new classification schedule is optional. Applicants opting to amend to the new schedule must advise the assigned Examining Attorney.

For the applicant's convenience the following web link allows for the online changing of address: <http://eteas.uspto.gov/V2.0/ca200/WIZARD.htm>.

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.

A handwritten signature in black ink, appearing to read "Daniel Capshaw". The signature is fluid and cursive, with the first name "Daniel" and last name "Capshaw" clearly distinguishable.

Daniel F. Capshaw  
Examining Attorney  
Law Office 109  
703-308-9109, ext. 199

# Incoming Correspondence Routing Sheet

To: TMEG LAW OFFICE 109 - AWAITING RESPONSE DOCKET

Word Mark: DR.SEUSS

Serial No: 750

Mail Date: 06/28/2002

Doc. Type: Responses to Office Actions

T.M.E.O.  
LAW OFFICE 109  
2002 JUN 28 A 11: 30  
RECEIVED

---

No Fee

RAM Mail Date: 061802

*[Handwritten signature]*

Mark: DR. SEUSS stylized

Serial No.: 75/636,986

Docket: T02983US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

20A

Mark: DR. SEUSS stylized

Applicant: Dr. Seuss Enterprises, L.P.

Serial No.: 75/636,986

Filed: February 9, 1999

Class: 16

) Examining Attorney:

) Daniel F. Capshaw

) Law Office: 109

) CERTIFICATION UNDER 37 CFR § 1.8

) I hereby certify that the documents referred to as enclosed herein are being  
) deposited with the United States Postal Service as first class mail on this  
) date June 14, 2002, in an envelope addressed to: Box RESPONSES, NO  
) FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive,  
) Arlington, VA 22202-3513.

) T. Michelle Hauser

) (Name of person mailing paper)

Signature

Box RESPONSES

NO FEE

Assistant Commissioner for Trademarks

2900 Crystal Drive

Arlington, VA 22202-3513

RESPONSE TO OFFICE ACTION

Dear Sir:

This communication is in response to the Office Action mailed April 1, 2002,  
whereby the Examining Attorney set forth the following:

1. Applicant is required to submit a new drawing of the mark which agrees  
with the specimens, or submit a substitute specimen which shows use of the mark shown in the  
drawing.

RECEIVED  
2002 JUN 28 A 11:30  
LAW OFFICE 109  
T.M.E.O.

K

### REMARKS


As requested by the Examining Attorney, Applicant hereby submits a new drawing of the mark which agrees with the specimens. The new drawing page is attached hereto as Exhibit A.

### CONCLUSION

In view of the foregoing remarks it is believed the mark applied for is in condition for registration. Favorable action is therefore requested.

Respectfully submitted,

Dated: June 14, 2002

  
\_\_\_\_\_  
Nancy O. Dix, Esq.

Nancy O. Dix, Esq.  
GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133  
Telephone: (858) 638-6921  
Facsimile: (858) 677-1477



EXHIBIT A

subway

75636706

DRAWING PAGE

Applicant's Name: Dr. Seuss Enterprises, L. P.  
By: Geisel-Seuss Enterprises, Inc.,  
Its General Partner

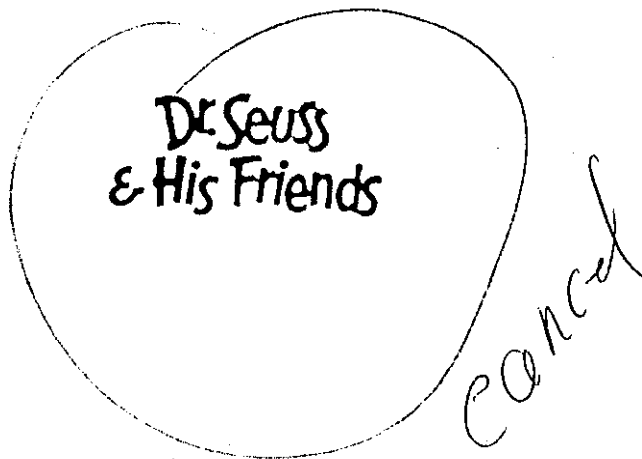
Applicant's Address: c/o Karl ZoBell, Esq.  
GRAY CARY WARE & FREIDENRICH  
1200 Prospect Street  
La Jolla, CA 92037

Date of First Use of the Mark: at least as early as 1937

Date of First Use in Commerce

Which May be Regulated by Congress: as least as early as 1937

Goods: books and a series of books featuring children's stories in International Class 16



Attorney for Applicant:  
Nancy O. Dix  
GRAY CARY WARE & FREIDENRICH  
4365 Executive Drive Suite 1100  
San Diego, CA 92121-2133  
(858) 638-6921  
(858) 677-1477

A

# UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 75/636986

APPLICANT: Dr. Seuss Enterprises, L. P.

**CORRESPONDENT ADDRESS:**

JOHN M. KIN  
GRAY CARY WARE & FREIDENRICH  
4365 EXECUTIVE DR STE 1100  
SAN DIEGO CA 92121-2133

**RETURN ADDRESS:**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513  
**ecom109@uspto.gov**

MARK: DR.SEUSS & HIS FRIENDS

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

N/A

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

## OFFICE ACTION

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

RE: Serial Number 75/636986

The examining attorney acknowledges the applicant's response to the office action of April 1, 2002. The substitute drawing is unacceptable as discussed below.

### Material Alteration

The proposed amendment of the drawing is unacceptable because it would materially alter the character of the mark. 37 C.F.R. §2.72; TMEP §§807.14, 807.14(a) and 807.14(a)(i). See *In re Wine Society of America, Inc.*, 12 USPQ2d 1139 (TTAB 1989); *In re Nationwide Industries Inc.*, 6 USPQ2d 1883 (TTAB 1988); *In re Pierce Foods Corp.*, 230 USPQ 307 (TTAB 1986). Here the applicant has attempted to add the wording "& HIS FRIENDS" to the mark. This wording is distinctive matter which materially alters the character of the mark.

An applicant cannot amend the drawing of the mark if the change materially alters the mark. TMEP §807.14(a). The Office determines whether a proposed amendment materially alters a mark by comparing the proposed amendment with the description or drawing of the mark filed with the original application. 37 C.F.R. §2.72. TMEP §807.14(a)(i).

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.



Daniel Capshaw  
Examining Attorney  
Law Office 109  
703-308-9109, ext. 199

**How to respond to this Office Action:**

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.**

# Incoming Correspondence Routing Sheet

To: TMEG LAW OFFICE 109 - AWAITING RESPONSE DOCKET

Word Mark: DR.SEUSS & HIS FRIENDS

Serial No: 7506986



Mail Date: 10212002



Doc. Type: Responses to Office Actions



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No Fee

RAM Mail Date: 102102



*DS*

Mark: **DR. SEUSS stylized**  
Serial No.: 75/636,986  
Docket: T02983US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

22

Mark: **DR. SEUSS stylized**

Applicant: Dr. Seuss Enterprises, L.P.

Serial No.: 75/636,986

Filed: February 9, 1999

Class: 16

) Examining Attorney:  
) Daniel F. Capshaw  
)  
) Law Office: 109  
)  
)  
)  
)  
)

Box RESPONSES

NO FEE

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

RECEIVED

2002 NOV -4 P 12:22

T.M.E.O.  
LAW OFFICE 109

RESPONSE TO OFFICE ACTION

Dear Sir:

This communication is in response to the Office Action mailed **August 8, 2002**, whereby the Examining Attorney set forth the following:

1. Applicant's proposed amendment of the drawing page is unacceptable because it would materially the character of the mark.

RESPONSE

Applicant respectfully request that the Examining Attorney amend the drawing page back to the original drawing which depicts the mark "DR. SEUSS" in a stylized form, without the wording "& HIS FRIENDS." Attached as Exhibit A is a revised drawing page.

In anticipation of the Examining Attorney's further rejection of the specimens submitted which depict "DR. SEUSS & HIS FRIENDS" as not supporting the drawing page depicting "DR. SEUSS", applicant responds and traverses this rejection, as follows:

**I. SPECIMENS OF USE NEED NOT BE IDENTICAL TO THE DRAWING PAGE**

The Examining Attorney previously rejected the specimens submitted in support of the use of the subject mark for goods in Class 16 because he believes the specimens differs from the drawing page. This rejection will likely be restated in response to the applicant's request to amend the drawing page to again reflect the mark as "DR. SEUSS" in a stylized form. The Examining Attorney notes that the specimens submitted display the words "& HIS FRIENDS" which cannot be found on the drawing page of the application. Although this is true, such a slight deviation from the drawing page and the specimens should not result in a rejection of the specimens or a requirement that the drawing page be amended.

Pursuant to TMEP Section 1215.02(c), the specimens of use need not exactly match the drawing page. Numerous examples can be found where the drawing page and specimens slightly differ. For example, as set forth under Section 1215.02(c), a drawing page could depict the mark ABC whereas specimens of use show "HTTP://WWW.ABC.COM." Although the specimens obviously differ from the drawing page, they are nonetheless acceptable because of the generic/descriptive nature of the additional terms. (Also see *In re Raychem Corp.*, 12 USPQ2d 1399 (TTAB 1989) (refusal to register TINEL-LOCK based on specimens showing "TRO6AI-TILELOCK-RING" reversed); *Cf. Institut National des Appellations D'Origine v. Vintners Int'l Co., Inc.*, 958 F.2d 1574, 22 USPQ2d 1190 (Fed. Cir. 1992) (CHABLIS WITH A TWIST held to be registrable separately from CALIFORNIA CHABLIS WITH A TWIST as shown on labels)). Similarly, in the instant matter, the most important or distinctive elements of the subject trademark is the wording "DR. SEUSS." It is unquestionable that the DR. SEUSS mark is famous and, the remaining element, "& HIS FRIENDS" is either descriptive or generic, in comparison. The "DR. SEUSS" portion of the mark is obviously the dominant, most important and most distinctive portion of the mark. In fact, the words "DR. SEUSS" form a separate commercial impression in the minds of consumers not only because of the fame of the "DR. SEUSS" mark, but also due to the fact that the wording "& HIS FRIENDS" appears on a separate line beneath the wording "DR. SEUSS." Therefore, a drawing page which depicts only



a stylized version of "DR. SEUSS" is adequately supported by specimens which show "DR. SEUSS" on one line and "& HIS FRIENDS" on a separate line.

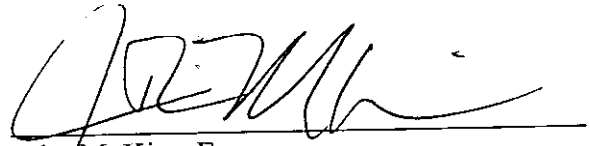
Thus, it is respectfully submitted that the specimens of use which depict the famous wording "DR. SEUSS" are sufficient to support the applicant's mark, DR. SEUSS, as set forth on the drawing page.

### CONCLUSION

In view of the foregoing remarks it is believed the mark applied for is in condition for registration. Favorable action is therefore requested.

Respectfully submitted,

Dated: October 16, 2002

  
John M. Kim, Esq.

John M. Kim, Esq.  
GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133  
Telephone: (858) 638-6859  
Facsimile: (858) 677-1477

Exhibit  
A

SUB DWG  
DRAWING PAGE

Applicant's Name: Dr. Seuss Enterprises, L. P.  
By: Geisel-Seuss Enterprises, Inc.,  
Its General Partner

Applicant's Address: c/o Karl ZoBell, Esq.  
GRAY CARY WARE & FREIDENRICH  
1200 Prospect Street  
La Jolla, CA 92037

Date of First Use of the Mark: N/A

Date of First Use in Commerce  
Which May be Regulated by Congress: N/A

Goods: books and a series of books featuring children's stories in International Class 16

# Dr. Seuss

Attorney for Applicant:

Nancy O. Dix  
GRAY CARY WARE & FREIDENRICH  
401 B Street, Suite 1700  
San Diego, California 92101-4297  
Telephone: (619) 699-2921  
Facsimile: (619) 236-1048

**REGISTERED**  
**3/18/03**

#23

# Incoming Correspondence Routing Sheet

To: Post Registration (PRU)

Word Mark: DR.SEUSS

Reg. No.: 2698054



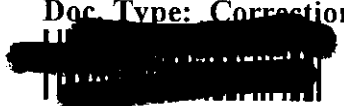
Serial No.: 75636986



Mail D



Doc. Type: Correction to a Registration Certificate



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No Fee

R

051503



*[Handwritten mark]*

# 23

Mark: **DR. SEUSS (Stylized)**  
Class: 16  
Docket: T02983US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: **DR. SEUSS (Stylized)**  
Registrant: Dr. Seuss Enterprises, L.P.  
Registration No.: 2,698,054  
Issued: March 18, 2003  
Class: 16

CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this May 12, 2003, in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514.

Pamela Gómez  
(Name of person mailing paper)

Signature

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

REQUEST FOR CORRECTION OF CERTIFICATE OF REGISTRATION

Dear Sir:

Applicant respectfully requests correction of the Certificate of Registration. The address of the registrant is incorrect. The word **STREET** is repeated and has a "CT" in between the first "street" and the second "street" in the address. The following is the correct address: **1200 Prospect Street, Suite 575, La Jolla, CA 92037-3610.**

Applicant is returning herewith the original Certificate of Registration and requests a corrected Certificate be issued at no cost to the registrant.

Respectfully submitted,

*Melba Hoban*

Melba Hoban

Dated: May 12, 2003

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133  
Telephone: (858) 638-6763  
Facsimile: (858) 677-1477

**CERTIFICATE OF CORRECTION**

---

REGISTERED: March 18, 2003

REGISTRATION NO. 2,698,054

DR. SEUSS ENTERPRISES, L. P.

It is hereby certified that the above identified registration is in error requiring

correction as follows:

In the statement, Column 1, line 5,

"CT STREET"

should be deleted, and,

SUITE 575

should be inserted.

In the statement, Column 1, line 6, after 92037,

3610

should be inserted.

The said registration should be read as corrected above.

Signed and sealed this 12<sup>th</sup> day of August 2003.

(SEAL)

Commissioner

ATTEST

ATTESTING OFFICER

bah

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2004-05-20 12:25:05 ET**

**Serial Number:** 75020377

**Registration Number:** 2231032

**Mark (words only):** AGATHA CHRISTIE

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 1999-03-09

**Filing Date:** 1995-11-15

**Transformed into a National Application:** No

**Registration Date:** 1999-03-09

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 103

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 900 -Warehouse (Newington)

**Date In Location:** 2004-05-13

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Agatha Christie Limited

**Address:**

Agatha Christie Limited  
Vernon House 40 Shaftsbury Avenue  
London W1V 7DD  
United Kingdom

**Legal Entity Type:** Company

**State or Country Where Organized:** United Kingdom

---

#### GOODS AND/OR SERVICES

---

printed matter, namely, magazines, newsletters, and newspapers featuring information of interest to mystery readers, a series of fiction books; bookmarks; and stationery

**International Class:** 016

**First Use Date:** 1991-11-00

**First Use in Commerce Date:** 1991-11-00

**Basis:** 1(a)

---

**ADDITIONAL INFORMATION**

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**Name Portrait Consent:** The name "AGATHA CHRISTIE" does not identify a living individual.

---

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**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

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---

**PROSECUTION HISTORY**

---

1999-09-15 - Section 7 correction issued

1999-03-29 - Section 7 amendment filed

1999-03-09 - Registered - Principal Register

1998-12-08 - Allowed for Registration - Principal Register (SOU accepted)

1998-12-08 - Case file assigned to examining attorney

1998-12-01 - Statement of use processing complete

1998-10-29 - Amendment to Use filed

1998-06-30 - Extension 2 granted

1998-06-12 - Extension 2 filed

1998-02-04 - Extension 1 granted

1997-12-09 - Extension 1 filed

1997-06-17 - Notice of allowance - mailed

1997-03-25 - Published for opposition

1997-02-21 - Notice of publication

1997-01-07 - Approved for Pub - Principal Register (Initial exam)

1996-12-09 - Communication received from applicant

1996-06-06 - Non-final action mailed

1996-05-29 - Case file assigned to examining attorney

1996-05-24 - Case file assigned to examining attorney



1996-05-24 - Case file assigned to examining attorney

1996-05-19 - Case file assigned to examining attorney

---

**CONTACT INFORMATION**

---

**Correspondent (Owner)**

M GRAHAM COLEMAN 2D (Attorney of record)

M GRAHAM COLEMAN 2D  
KAY COLLYER & BOOSE LLP  
ONE DAG HAMMARSKJOLD PLZ  
NEW YORK NY 10017

**Domestic Representative**

Irell & Manella

---

REG NUM: 2231032  
REG DT: 03/09/1999  
S/N 75/020377

3. MARK

AGATHA CHRISTIE

4. SER. NO.

75/C20377

5. REGISTER

PRINCIPAL

6. INTERNATIONAL CLASS

16

7. PRIOR U.S. CLASS

2-5-22-23-25-37-38-5

8. FILING DATE

11/15/95

9. LAW OFFICE

106

10. APPLICANT AND POST OFFICE

Agatha Christie Limited  
141 Sloane Street  
London SW1X 5AY, ENGLAND  
COMPANY UNITED KINGDOM

16. EXAMINING ATTORNEY

JESSIE W. BILLINGS  
MAJOR SIGNATURE

17. TYPE OF MARK

TRADEMARK

18. FIRST USE

ICL 016 00/00/0000

19. IN COMMERCE

ICL 016 00/00/0000

20. FOREIGN REG. AND APPL. DATA

11. CORRESPONDENCE ADDRESS

Eruce D. Kuyper  
Irell & Manella  
1800 Avenue of the Stars  
Los Angeles, CA 90067

101523US

12. DOMESTIC REPRESENTATIVE

Irell & Manella

13. APPLICANT'S ATTORNEY

Eruce D. Kuyper

15. GOODS — SERVICES

Cl6-printed matter, newspapers and periodicals, books, bookmarks, and stationery

21. OTHER DATA

CERTIFICATE OF CORRECTION

10  
26  
99

PUBLISHED

MAR 25 1997

PTO-102L (REV. 12/82) U.S. DEPT. OF COMMERCE — PATENT AND TRADEMARK OFFICE

Examining Attorney—(Please Print Name)

Date Published in Trademark O.G.

Approved for Publication (Principal Register)—(Signature)

Section 8 Accepted—(Signature)

Approved for Registration (Section 1(d))—(Signature)

Section 15—(Signature)

Approved for Registration (Supplemental Register)—(Signature)

Section 9 Renewal Accepted—(Signature)

MAY 24 1996

Entry

Date

Initials

LAW OFFICE 106

MAY 29 1996

1.

2.

3. AmDT A

col m 12/3/96

JUN 6 1996

12/7/96 6 1997

JUN 1997

4.

NOFP  
N of A

5.

JUN 17 1997

6.

7.

EXT REG FILED

12-9-97

MC

8.

EXT REG GRANTED

2-4-98

mc

9.

Ext reg filed

6-12-98

DAB

10.

Ext reg granted

6-30-98

DAB

11.

SOL FILED

DEC - 9 1998

12/29/98

DG

12.

Request for c/c

3-29-99

13.

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30.

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

United States Patent and Trademark Office

Corrected

Reg. No. 2,231,032

Registered Mar. 9, 1999

OG Date Oct. 26, 1999

**TRADEMARK  
PRINCIPAL REGISTER**

**AGATHA CHRISTIE**

AGATHA CHRISTIE LIMITED (UNITED  
KINGDOM COMPANY)  
VERNON HOUSE  
40 SHAFTSBURY AVENUE  
LONDON W1V 7DD, UNITED KING-  
DOM

THE NAME "AGATHA CHRISTIE"  
DOES NOT IDENTIFY A LIVING INDIVIDUAL.

FOR: PRINTED MATTER, NAMELY,  
MAGAZINES, NEWSLETTERS, AND  
NEWSPAPERS FEATURING INFORMATION  
OF INTEREST TO MYSTERY  
READERS, A SERIES OF FICTION  
BOOKS; BOOKMARKS; AND STATION-  
ERY, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23,  
29, 37, 38 AND 50).

FIRST USE 11-0-1991; IN COMMERCE  
11-0-1991.

SER. NO. 75-020,377, FILED 11-15-1995.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Oct. 26, 1999.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,231,032

**United States Patent and Trademark Office**

Registered Mar. 9, 1999

**TRADEMARK  
PRINCIPAL REGISTER**

**AGATHA CHRISTIE**

AGATHA CHRISTIE LIMITED (UNITED  
KINGDOM COMPANY)  
VERNON HOUSE  
40 SHAFTESBURG AVENUE  
LONDON W1V 7DD, ENGLAND

FOR: PRINTED MATTER, NAMELY, MAGA-  
ZINES, NEWSLETTERS, AND NEWSPAPERS  
FEATURING INFORMATION OF INTEREST  
TO MYSTERY READERS, A SERIES OF FIC-  
TION BOOKS; BOOKMARKS; AND STATION-

ERY, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37,  
38 AND 50).

FIRST USE 11-0-1991; IN COMMERCE  
11-0-1991.

THE NAME "AGATHA CHRISTIE" DOES  
NOT IDENTIFY A LIVING INDIVIDUAL.

SN 75-020,377, FILED 11-15-1995.

JESSIE B. BILLINGS, EXAMINING ATTORNEY

TRADEMARK APPLICATION SERIAL NO. 75020377

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

080 BS 12/14/95 75020377

0 361 ✓ 245.00 CK

75020377

333 SOUTH HOPE STREET, SUITE 3300  
LOS ANGELES, CALIFORNIA 90071-3042  
TELEPHONE (213) 620-1555  
FACSIMILE (213) 229-0515

IRELL & MANELLA  
A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
1800 AVENUE OF THE STARS, SUITE 900  
LOS ANGELES, CALIFORNIA 90067-4276  
TELEPHONE (310) 277-1010  
CABLE ADDRESS: IRELLA LSA  
TELEX 181258 FACSIMILE (310) 203-7198

840 NEWPORT CENTER DRIVE, SUITE 500  
NEWPORT BEACH, CALIFORNIA 92660-6324  
TELEPHONE (714) 760-0991  
FACSIMILE (714) 760-5200

WRITER'S DIRECT DIAL NUMBER

November 15, 1995

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL MAILING LABEL NUMBER TB756093822WS

DATE OF DEPOSIT November 15, 1995

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS 2900 CRYSTAL DRIVE, ARLINGTON, VA 22202-3513.

JENNY KWON  
(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)

[Signature]  
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

Box NEW APP  
FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Sir:

Transmitted for filing herewith is:

Application for Registration of:

Applicant : Agatha Christie Limited  
Mark : AGATHA CHRISTIE  
Int. Class: 16  
Docket No.: T01923US

Enclosed is our check in the amount of \$245.00 which represents payment of the filing fee. If there are any additional costs involved, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to our Deposit Account No. 09-0946. A duplicate copy of this letter is attached for this purpose.

Respectfully submitted,

IRELL & MANELLA

By: Bruce D. Kuyper  
Bruce D. Kuyper

BDK:jk  
Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
APPLICATION FOR TRADEMARK REGISTRATION

TRADEMARK

Docket No. [T01923US]

Mark: AGATHA CHRISTIE

Int. Class No.: 16

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

Agatha Christie Limited, a company organized under the laws of England and Wales, located and doing business at 141 House, 40 Shaftesbury Avenue, London, W1V 7DD, England.

The above-identified Applicant intends to use the trademark shown in the accompanying drawing in connection with ~~printed matter, newspapers and periodicals, books; bookmarks; and stationery.~~ Applicant requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946.

Applicant has a bona fide intention to use the mark in commerce in connection with the above-identified goods. Applicant intends to use the above-noted mark on the goods and labels affixed to the goods, manuals, packaging materials, and otherwise.

ADDRESS FOR CORRESPONDENCE

Applicant requests that all correspondence in connection with this application be directed to the law firm of [Irell & Manella] and [Bruce D. Kuyper], attorneys at law, [1800 Avenue of the Stars, Los Angeles, California 90067] telephone: (310) 277-1010, its attorneys.

APPOINTMENT OF DOMESTIC REPRESENTATIVE

[Irell & Manella], 1800 Avenue of the Stars, Los Angeles, California 90067, telephone: (310) 277-1010, its attorneys. is hereby designated Applicant's representative upon whom notices or process in proceedings affecting the mark may be served.



DECLARATION

Corinne Pitts declares that she is a Director of the Applicant and is authorized to execute this Declaration on behalf of the Applicant; that she believes the Applicant to be the owner of the mark sought to be registered; that to the best of her knowledge and belief, no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as may be likely, when applied to the goods of other such person, firm, corporation or association to cause confusion, or to cause mistake, or to deceive; and that all statements made herein of her own knowledge are true and all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any registration resulting therefrom.

Agatha Christie Limited

Dated:

10th October 1995 ✓

By:

Corinne Pitts  
Corinne Pitts, Director ✓

APPLICANT

: Agatha Christie Limited  
141 Sloane Street  
London SW1X 9AY  
England

MARK  
INT. CLASS  
GOODS

: AGATHA CHRISTIE  
: 16  
: Printed matter, newspapers and  
periodicals, books; bookmarks; and  
stationery

AGATHA CHRISTIE

TRADEMARK

PUBLISHED  
MAR 25 1997

REGISTER  
3/09/99

KEND1E45.WP



Agatha Christie's genius for detective fiction is unparalleled. Her worldwide popularity is phenomenal, her characters engaging, her plots spellbinding. No one knows the human heart—or the dark passions that can stop it—better than Agatha Christie. She is truly the one and only Queen of Crime.



## Dead Man's Folly

Well-known mystery writer Ariadne Oliver organizes a Murder Hunt as the main event at the Fête held on the grounds of Nasse House. Every detail is arranged—and the stage is set for murder. Suspecting that something isn't quite right, Ariadne Oliver telephones her old friend, Hercule Poirot, for help.

A

HERCULE  
POIROT  
MYSTERY



U.S. \$4.99

ISBN 0-06-100367-0

# AGATHA CHRISTIE

## Dead Man's



# Follow the trail of footprints below into Agatha Christie's World of Mystery!

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The New Bedside, Bathtub & Armchair Companion to Agatha Christie — the fascinating story of Agatha Christie's works and life, including personal insights, plot summaries of her most famous novels and plays (but never the endings!), photos, movie posters and more. A 362-page feast for mystery fans that sells for \$12.95 — **YOURS FREE!**

No obligation. No purchase necessary.

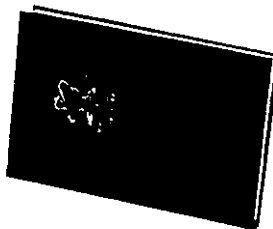


**FREE PREVIEW!** The Bedside Companion is your **FREE GIFT** just for previewing Agatha Christie's renowned mystery classic. **And Then There Were None**, for 15 days risk free. It's one of the most captivating murder mysteries ever written! Will you discover whodunit before the author reveals the solution?

**And Then There Were None** demonstrates the exciting mystery entertainment that awaits you in The Agatha Christie Mystery Collection. The Collection brings you Agatha Christie's novels in hardcover, collector's editions that are not available in any bookstore. Each book is bound in simulated leather, with a rich, deep color, and decorated with distinctive gold embossing. The covers are padded and soft to the touch. The bindings are sewn (not glued), and the pages are of acid-free paper that will last for generations. All in all, each volume is a masterpiece of the bookbinding art and will display elegantly in your home.

You can expect to pay \$20 more in bookstores for it, but you can have it like this. Yet they are yours for only \$12.95 each (plus shipping and handling). **NO OBLIGATION — EVER!** Send for **And Then There Were None** and enjoy it for 15 days risk free. If you like, return it, owe nothing, and that will be that. If you keep it, you'll receive additional volumes in The Agatha Christie Mystery Collection about once a month — and always with 15-day preview privileges. Keep only those volumes you want. Cancel any time. And whatever you decide at the outset, **The Bedside Companion** is yours to keep **FREE**.

## FREE GIFT CERTIFICATE



**YES! Please send me And Then There Were None** for a 15-day risk-free examination. If I keep it, I'll pay just \$12.95 plus postage and handling (and sales tax in New York and Canada) and receive one additional volume about once a month on a fully-returnable 15-day free examination basis. There is no minimum number of volumes to buy, and I may cancel at any time. My **FREE Bedside Companion** is mine to keep no matter what I decide.

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Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

Prices subject to change.  
Orders subject to approval.

1A-HC



# Patent and Trademark Office

<b>SERIAL NO.</b> 75/020377 Agatha Christie Limited		<b>APPLICANT</b> AGATHA CHRISTIE		<b>PAPER NO.</b>  <b>ADDRESS:</b> ASSISTANT COMMISSIONER FOR TRADEMARKS 2900 Crystal Drive Arlington, Virginia 22202-3513  <small>If no fees are enclosed, the address should include the words "Box 5."</small>						
<b>MARK</b> AGATHA CHRISTIE		<b>ADDRESS</b> Bruce D. Kuyper Irell & Manella 1800 Avenue of the Stars Los Angeles, CA 90067		<small>Please provide in all correspondence:</small>  1. Filing Date, serial number, mark and Applicant's name. 2. Mailing date of this Office action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code.						
<b>FORM PTO-1525 (5-90)</b>		<b>U.S. DEPT. OF COMM. PAT. &amp; TM OFFICE</b>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;"><b>ACTION NO.</b></td> <td style="padding: 2px;">01</td> </tr> <tr> <td style="padding: 2px;"><b>MAILING DATE</b></td> <td style="padding: 2px;">06/06/96</td> </tr> <tr> <td style="padding: 2px;"><b>REF. NO.</b></td> <td style="padding: 2px;">01923US</td> </tr> </table>	<b>ACTION NO.</b>	01	<b>MAILING DATE</b>	06/06/96	<b>REF. NO.</b>	01923US
<b>ACTION NO.</b>	01									
<b>MAILING DATE</b>	06/06/96									
<b>REF. NO.</b>	01923US									

**A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.** For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

RE: Serial Number 75/020377

The assigned examining attorney has reviewed the referenced application and determined the following.

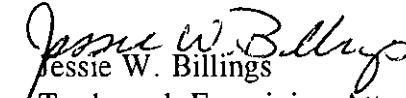
The identification of goods is unacceptable as indefinite. The wording "printed matter" and "periodicals" is too broad; the applicant must indicate the type and subject matter. In addition, the applicant must indicate the type of books. The applicant may adopt the following identification, if accurate: Printed matter, namely magazines, newsletters, and newspapers featuring information of interest to mystery readers; a series of fiction books; bookmarks; and stationery. TMEP section 804.

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. Section 2.71(b); TMEP section 804.09. Therefore, the applicant may not amend to include any goods that are not within the scope of goods set forth in the present identification.

If the name shown in the mark identifies a particular living individual, the applicant must submit a written consent from that individual, authorizing the applicant to register the name. If the name does not identify a living individual, the applicant should state so for the record. Trademark Act Section 2(c), 15 U.S.C. Section 1052(c); TMEP sections 813 and 1206.

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.

  
Jessie W. Billings  
Trademark Examining Attorney  
Law Office 103  
(703) 308-9103 ext. 134

JWB

DEC 09 1996

\*\*Please Place on Upper Right Corner\*\*  
\*\*of Response to Office Action ONLY\*\*

TELETYPE UNIT  
TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK EXAMINING OPERATION

In re Application of:

Applicant : Agatha Christie Limited  
Serial No.: 75/020,377  
Filed : November 15, 1995  
Mark : AGATHA CHRISTIE  
Docket : T01923US  
Law Office: 103  
Attorney : Jessie W. Billings

I hereby certify that this correspondence is being  
deposited with the United States Postal Service as first  
class mail in an envelope addressed to: Assistant  
Commissioner For Trademarks, 2900 Crystal Drive,  
Arlington, VA 22202-3513, on 12-3-96  
Date

By Bonnie Barow  
12-3-96  
Date of Signature

Box RESPONSES

NO FEE

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Sir:

AMENDMENT

In response to the Office Action mailed June 6, 1996,  
please amend the description of goods to read as follows:

A1 GS	Printed matter, namely magazines, newsletters, and newspapers featuring information of interest to mystery readers, a series of fiction books; bookmarks; and stationery. 1672
-------	---

REMARKS

Applicant has amended the description of goods in the  
application in accordance with the Examiner's request.

The Examining Attorney has asked the Applicant to  
indicate whether or not the name Agatha Christie identifies a  
living individual. ~~Applicant states for the record that The~~

A2 NO	name Agatha Christie does not identify a living individual.
-------	---

AGATHA CHRISTIE  
Serial No. 75/020,377  
Page 2

It is noted that a search of the Patent and Trademark Office records failed to reveal a similar registered or pending mark which would bar registration of Applicant's mark. Accordingly, in view of the above, it is believed that the application is now in condition for publication.

Respectfully submitted,  
IRELL & MANELLA LLP

Dated: 12/02/96

By: Bruce D. Kuyper  
Bruce D. Kuyper

1800 Avenue of the Stars  
Suite 900  
Los Angeles, CA 90067  
(310) 277-1010





Patent and Trademark Office

ASSISTANT COMMISSIONER FOR TRADEMARKS  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Feb. 21, 1997

NOTICE OF PUBLICATION UNDER 12(a)

- |                                       |  |
|---------------------------------------|--|
| 1. Serial No.:<br>75/020,377          | 2. Mark:<br>AGATHA CHRISTIE              |
| 3. International Class(es):<br>16     |  |
| 4. Publication Date:<br>Mar. 25, 1997 | 5. Applicant:<br>Agatha Christie Limited |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained at \$28.00 each for domestic orders, or at \$35.00 each for foreign orders from:

The Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402

By direction of the Commissioner.

The MARK identified below was published for opposition under 15 U.S.C. Section 1062(a). No successful opposition was filed. In order to obtain a registration, applicant must file a Statement of Use under 15 U.S.C. Section 1051(d)(1) within six months of the MAILING DATE OF NOTICE identified below. A six-month extension of time to file the Statement of Use will be granted upon proper request. Subsequent six-month extensions will be granted, for a period not to exceed twenty-four months, if good cause is shown. 15 U.S.C.1051(d)(2). Failure to timely file or perfect a Statement of Use or request for extension of time will result in abandonment of the application. The requirements for each are set forth at 37 C.F.R. Sections 2.88 and 2.89.

75/020377

Bruce D. Kuyper  
Irell & Manella  
1800 Avenue of the Stars  
Los Angeles, CA 90067

ATTORNEY  
REFERENCE NUMBER

T01923US

**PLEASE REVIEW THE ACCURACY OF THE NOTICE OF ALLOWANCE DATA**

A request for correction to the notice of allowance should be submitted within 30 days to the following address: ASSISTANT COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202-3513. The correspondence should be marked to the attention of BOX 1TU. The Patent and Trademark Office will review the request and make corrections where appropriate.

SERIAL NUMBER: 75/020377

MARK: AGATHA CHRISTIE

OWNER NAME: Agatha Christie Limited

OWNER ADDRESS: 141 Sloane Street  
London SW1X 9AY  
ENGLAND

MAILING DATE OF NOTICE: 06/17/1997

A Statement of Use or a request for an extension of time to file a Statement of Use must be RECEIVED by the Patent and Trademark Office within six (6) months from the above mailing date.

**GOODS/SERVICES BY INTERNATIONAL CLASS**

016--printed matter, namely, magazines, newsletters, and newspapers featuring information of interest to mystery readers, a series of fiction books; bookmarks; and stationery

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK EXAMINING OPERATION

In re Trademark Application of: )  
Applicant: Agatha Christie Limited )  
Serial No.: 75/020,377 )  
Mark: AGATHA CHRISTIE )  
Notice of Allowance Date: )  
June 17, 1997 )



EXTENSION  
REQUEST  
GRANTED

2-4-98  
mc

Box ITU  
FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

REQUEST FOR EXTENSION OF TIME UNDER 37 C.F.R. § 2.89  
TO FILE A STATEMENT OF USE

Sir:

Applicant requests a six-month extension of time under 37 C.F.R. § 2.89.

This is the first request for an Extension of Time following the mailing of the Notice of Allowance.

Applicant has a continued bona fide intention to use the mark in commerce on all the goods specified in the Notice of Allowance in this application. Applicant has not yet made use of the mark in commerce on all of the goods specified in the Notice of Allowance on or in connection with which Applicant has a continued bona fide intention to use the mark in commerce.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the

KEND3084.WP

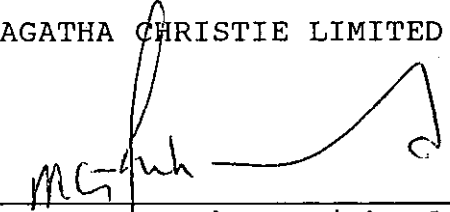
12/15/1997 SHOPPER 00000187 75020377  
01 FC:364 100.00 CP

Application or any resulting registration, declares that he/she is properly authorized to execute this Request for Extension of Time to File a Statement of Use on behalf of the Applicant; he/she believes the Applicant to be the owner of the trademark sought to be registered; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

AGATHA CHRISTIE LIMITED

Dated: 26. 11. 97

By:

  
Name: Matthew Prichard

Title: CHAIRMAN

333 SOUTH HOPE STREET, SUITE 3300  
LOS ANGELES, CALIFORNIA 90071-3042  
TELEPHONE (213) 620-1555  
FACSIMILE (213) 229-0515

IRELL & MANELLA LLP

A REGISTERED LIMITED LIABILITY LAW PARTNERSHIP  
INCLUDING PROFESSIONAL CORPORATIONS

1800 AVENUE OF THE STARS, SUITE 900  
LOS ANGELES, CALIFORNIA 90067-4276

TELEPHONE (310) 277-1010

CABLE ADDRESS: IRELLA LSA

FACSIMILE (310) 203-7199

840 NEWPORT CENTER DRIVE, SUITE 500  
NEWPORT BEACH, CALIFORNIA 92660-6324  
TELEPHONE (714) 760-0991  
FACSIMILE (714) 760-8200

WRITER'S DIRECT DIAL NUMBER

December

6/17/97

Box ITU

FEE

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Re: Application of:

Applicant : Agatha Christie Limited  
Serial No. : 75,020,377  
Filed : November 15, 1995  
Mark : AGATHA CHRISTIE  
Allowed : June 17, 1997  
Our Docket : 130873-0002/TO1923US

Dear Sir:

Transmitted for filing herewith is the second Request for Extension of Time Under 37 C.F.R. § 2.89 To File A Statement of Use and a check in the amount of \$100.00 for filing the Extension of Time. If there are any additional costs involved, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to our Deposit Account No. 09-0946, for which purpose a duplicate copy of this letter is attached.

Respectfully submitted,

IRELL & MANELLA LLP

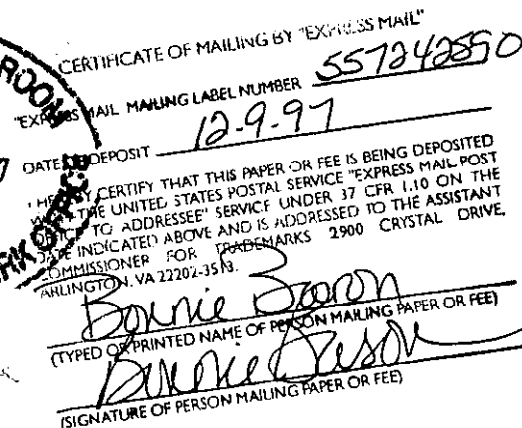
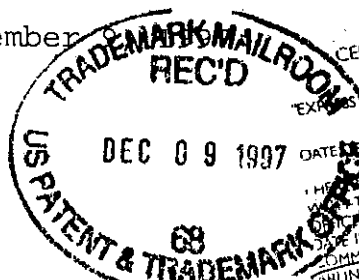
By:

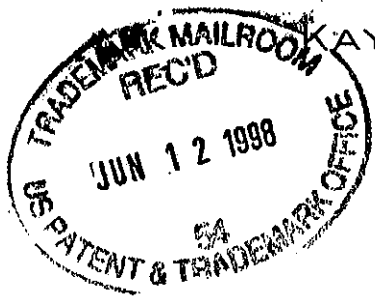
Bruce D. Kuyper  
Bruce D. Kuyper

BDK:mc

6 Enclosures

KEND3127.WP





KAY COLLYER & BOOSE LLP  
ONE DAG HAMMARSKJOLD PLAZA  
NEW YORK, N.Y. 10017-2299  
(212) 940-8200

4/97

TELECOPIER: (212) 755-0921

WRITER'S DIRECT DIAL NUMBER

(212) 940-8321

Express Mail Label No. EM568831985US

June 12, 1998

Assistant Commissioner for Trademarks  
Box ITU Fee  
2900 Crystal Drive  
Arlington, VA 22202-3513

Re: AGATHA CHRISTIE, Serial No. 75/020377, Class 16  
AGATHA CHRISTIE, Serial No. 75/020378, Class 41  
Second Request for Extension of Time to File the Statements of Use

Dear Sirs:

Enclosed please find the Second Request for an Extension of Time to File the Statement of Use for each of the above referenced marks, along with a Designation of Domestic Representative for each and a Revocation and New Power of Attorney. Also enclosed are two checks, each in the amount of \$100 to cover the filing fees, and a stamped, self-addressed post card for each.

Please return the post cards stamped with date of receipt.

Thank you.

Very truly yours,

*Karen M. Pasquale*

Karen M. Pasquale  
Legal Assistant

/kmp

Enclosures

cc:

John R. Olsen, Esq.  
R. Andrew Boose, Esq.  
M. Graham Coleman, 2d, Esq.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No. EM5688319851US

I hereby certify that this correspondence is addressed to the Assistant Commissioner for Trademarks, Box ITU, 2900 Crystal Drive, Arlington, VA 22202-3513, and is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on June 12, 1998.

KAREN M. PASQUALE

Print Name

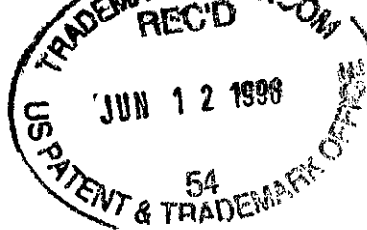
*Karen M. Pasquale*

Signature

June 12, 1998

Date of Signature

11:50 AM  
JUN 25 1998  
98 JUN 25 AM 9:55



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Agatha Christie Limited  
Trademark: AGATHA CHRISTIE  
Serial No.: 75/020377  
International Class: 16  
Notice of Allowance  
Mailing Date: June 17, 1997

EXTENSION  
REQUEST  
GRANTED  
6-30-98  
7213

REQUEST FOR EXTENSION OF TIME  
TO FILE A STATEMENT OF USE

Assistant Commissioner for Trademarks  
Box ITU  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Sir:

Agatha Christie Limited ("Applicant") requests a six-month extension of time to file the Statement of Use under 37 C.F.R. 2.88 in the above referenced application.

This is the second Request for An Extension of Time following the mailing of the Notice of Allowance.

Applicant has a continued bona fide intention to use the mark in commerce on and/or in connection with:

**printed matter, namely, magazines, newsletters, and  
newspapers featuring information of interest to mystery  
readers, a series of fiction books; bookmarks; and stationery**

as identified in the Notice of Allowance in this application.

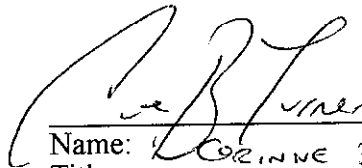
Applicant requests this additional time in order to further engage in product research and development and manufacturing activities.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this Request for Extension of Time to File a Statement of Use on behalf of Applicant; that he believes Applicant to be the owner of the trademark sought to be registered, and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Dated: London, England  
June 11, 1998

AGATHA CHRISTIE LIMITED

By:



Name: CORINNE B TURNER

Title: DIRECTOR



DESIGNATION OF DOMESTIC REPRESENTATIVE

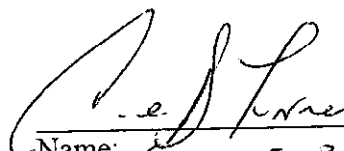
Applicant: Agatha Christie Limited  
Trademark: AGATHA CHRISTIE  
Serial Number: 75/020377

Kay Collyer & Boose LLP and/or R. Andrew Boose, Esq. and/or M. Graham Coleman, 2d, Esq., whose postal address is One Dag Hammarskjold Plaza, New York, New York 10017, is hereby designated applicant's representative upon whom notice or process in proceedings affecting this mark may be served.

Dated: London, England  
June 11, 1998

AGATHA CHRISTIE LIMITED

By:

  
Name: CORINNE B. TURNER  
Title: DIRECTOR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Applications of: Agatha Christie Limited

REVOCATION AND NEW POWER OF ATTORNEY

Assistant Commissioner for Trademarks  
Box 5  
2900 Crystal Drive  
Arlington, VA 22202-3513

Sir:

Agatha Christie Limited, Applicant of the below-listed applications, revokes its previous Powers of Attorney filed with said applications with respect to Irell & Manella and/or Bruce D. Kuyper, Esq. of that firm; and hereby appoints Kay Collyer & Boose LLP and/or M. Graham Coleman, 2d, Esq. and/or R. Andrew Boose, Esq., each of One Dag Hammarskjold Plaza, New York, New York 10017, being members of the Bar of the State of New York, as its attorneys, each with full power of substitution and revocation, to prosecute the applications to register listed below, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Certificates of Registration.

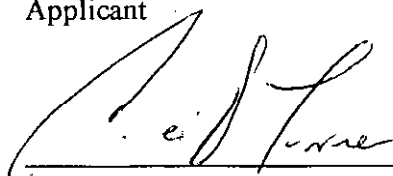
Application Serial Numbers

75/057747  
75/045175  
75/045174  
75/020378  
75/020377  
74/656846  
74/496751  
74/656851

Date: London, England  
May 26, 1998

Respectfully submitted,

AGATHA CHRISTIE LIMITED  
Applicant



Name: CORINNE B TURNER  
Title: DIRECTOR

100/363 214

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Agatha Christie Limited  
Trademark: AGATHA CHRISTIE  
Serial Number: 75/020377  
International Class: 16  
Notice of Allowance  
Mailing Date: June 17, 1997



6/97

10-29-1998

U.S. Patent & TMO/TM Mail Rcpt Dt. #

STATEMENT OF USE

Assistant Commissioner for Trademarks  
Box ITU  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Sir:

Agatha Christie Limited ("Applicant") requests registration of the above-identified trademark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended). Three (3) specimens showing the mark as used in commerce are submitted with this Statement of Use.

Applicant is using the mark in commerce on and/or in connection with the following goods:

printed matter, namely magazines, newsletters, and newspapers featuring information of interest to mystery writers, a series of fiction books; bookmarks; and stationery, in International Class 16

as identified in the Notice of Allowance issued in connection with this application.

The mark was first used in commerce on or about November 1991. The mark was first used in interstate commerce on or about November 1991.

11/16/1998 GILLOID 00000185 75020377

01 FC:363

100.00 OP

Applicant's mark is used by applying it to directly onto goods, labels and packaging materials and by using it on and/or in connection with all manner of advertising, promotional and marketing materials.

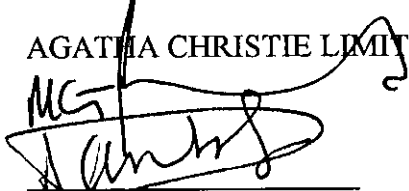
The filing fee of \$100 for this Statement of Use is submitted herewith pursuant to 37 C.F.R. §2.6.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this Statement of Use on behalf of Applicant; that he believes Applicant to be the owner of the trademark sought to be registered; that the trademark is now in use in commerce; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Date: London, England  
October 29<sup>th</sup>, 1998

AGATHA CHRISTIE LIMITED

By:

  
Name: M.C.T. PRICHARD - CHAIRMAN  
Title: AND N. TAMBLYN - DIRECTOR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Agatha Christie Limited

Trademark: AGATHA CHRISTIE

Serial Number: 75/020377

Notice of Allowance  
Mailing Date: June 17, 1997



10-29-1998

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #11

NOTICE OF CHANGE IN APPLICANT'S ADDRESS

Assistant Commissioner for Trademarks  
Box ITU  
2900 Crystal Drive  
Arlington, VA 22202-3513

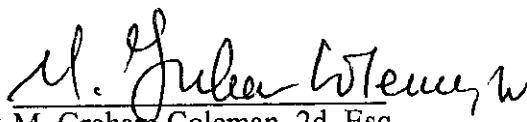
Sir:

Applicant recently moved its offices from 141 Sloane Street, London SW1X 9AY, United Kingdom to Vernon House, 40 Shaftesbury Avenue, London W1V 7DD, United Kingdom.

Applicant is filing the Statement of Use for this application simultaneously with this Notice; and respectfully requests that its new address be indicated on the forthcoming Registration Certificate.

Date: October 28, 1998

Respectfully submitted,

  
M. Graham Coleman, 2d, Esq.  
Attorney for Applicant  
Kay Collyer & Boose LLP  
One Dag Hammarskjold Plaza  
New York, New York 10017  
(212) 940-8376

KAY COLLYER & BOOSE LLP

ONE DAG HAMMARSKJOLD PLAZA

NEW YORK, N.Y. 10017-2299

(212) 940-8200

TELECOPIER: (212) 755-0921

WRITER'S DIRECT DIAL NUMBER

(212) 940-8321

Express Mail Label No. EM458400630US

October 29, 1998



Assistant Commissioner for Trademarks  
Box ITU Fee  
2900 Crystal Drive  
Arlington, VA 22202-3513

03-29-1999

U.S. Patent & TMO/TM Mail Rcpt Dt. #70

Re: AGATHA CHRISTIE, Serial Number 75/020378; AGATHA CHRISTIE, Serial Number 75/020377; MISS MARPLE, Serial Number 74/656846; and AGATHA CHRISTIE, Serial Number 75/057747  
Statements of Use

Dear Sirs:

Enclosed please find the Statement of Use for each of the above, a Notice of Change in Applicant's Address for each, and three specimens of each mark as currently used. Also enclosed are four checks, each in the amount of \$100 to cover the filing fee, and a stamped, self-addressed post card for each.

Please return the post cards stamped with date of receipt.

Thank you.

Very truly yours,

*Karen M. Pasquale*

Karen M. Pasquale  
Legal Assistant

/kmp  
Enclosures

cc: R. Andrew Boose, Esq.  
M. Graham Coleman, 2d, Esq.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No. EM458400630US

I hereby certify that this correspondence is addressed to the Assistant Commissioner for Trademarks, Box ITU -Fee, 2900 Crystal Drive, Arlington, VA 22202-3513, and is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on October 29, 1998.

KAREN M. PASQUALE

Print Name

*Karen M. Pasquale*

Signature

October 29, 1998

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Agatha Christie Limited  
Trademark: AGATHA CHRISTIE  
Serial Number: 75/020377  
Notice of Allowance  
Mailing Date: June 17, 1997

NOTICE OF CHANGE IN APPLICANT'S ADDRESS

Assistant Commissioner for Trademarks  
Box ITU  
2900 Crystal Drive  
Arlington, VA 22202-3513

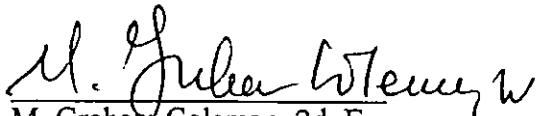
Sir:

Applicant recently moved its offices from 141 Sloane Street, London SW1X 9AY, United Kingdom to Vernon House, 40 Shaftesbury Avenue, London W1V 7DD, United Kingdom.

Applicant is filing the Statement of Use for this application simultaneously with this Notice; and respectfully requests that its new address be indicated on the forthcoming Registration Certificate.

Date: October 28, 1998

Respectfully submitted,

  
M. Graham Coleman, 2d, Esq.  
Attorney for Applicant  
Kay Collyer & Boose LLP  
One Dag Hammarskjold Plaza  
New York, New York 10017  
(212) 940-8376

### STATEMENT OF USE

Applicant: Agatha Christie Limited  
Mark: AGATHA CHRISTIE  
Serial Number: 75/020377  
Class: International 16  
Notice of Allowance Date: June 17, 1997  
Reference: 00403-003  
Express Mail Label No. EM458400630US



10-29-1998

Mailed October 29, 1998

U.S. Patent & TMO/TM Mail Rcpt Dt. #11

Check No. 40428 in the amount of \$100

Three specimens of the mark as currently used.

*Notice of Change of Applicant's Address*



KAY COLLYER & BOOSE LLP  
ONE DAG HAMMARSKJOLD PLAZA  
NEW YORK, N.Y. 10017-2299  
(212) 940-8200

TELECOPIER: (212) 755-0921

WRITER'S DIRECT DIAL NUMBER

(212) 940-8321

Express Mail Label No. EL300807594US

March 29, 1999



Assistant Commissioner for Trademarks  
Box Post Reg - No Fee  
2900 Crystal Drive  
Arlington, VA 22202-3513

03-29-1999

U.S. Patent & TMO/TM Mail Rpt Dt. #70

Re: Request for Corrected Certificates - AGATHA CHRISTIE, Reg. No. 2,231,032  
and AGATHA CHRISTIE SOCIETY, Reg. No. 2,229,271

Dear Sirs:

Enclosed please find a Request for Corrected Certificate Due to Patent and Trademark Office Error and the original Certificates of Registration for each of the above referenced registrations. Also enclosed are copies of the Notice of Change in Applicant's Address and the return post card stamped with date of receipt by the Patent and Trademark Office mail room for both registrations.

Please return the enclosed, self-addressed post cards stamped with date of receipt.

Thank you.

Very truly yours,

*Karen M. Pasquale*

Karen M. Pasquale  
Intellectual Property Administrator

/kmp  
Enclosures

cc: Debrett J. Lyons, Esq.  
R. Andrew Boose, Esq.  
M. Graham Coleman, 2d, Esq.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No. EL300807594US

I hereby certify that this correspondence is addressed to the Assistant Commissioner for Trademarks, Box Post-Reg. No Fee, 2900 Crystal Drive, Arlington, VA 22202-3513, and is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on March 29, 1999.

KAREN M. PASQUALE

Print Name

*Karen M. Pasquale*

Signature

March 29, 1999

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
POST REGISTRATION SECTION

12

Registrant: Agatha Christie Limited  
Mark: AGATHA CHRISTIE  
Registration Number: 2,231,032  
Issue Date: March 9, 1999



03-29-1999

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #70

BOX POST REG

NO FEE

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

REQUEST FOR CORRECTED CERTIFICATE DUE TO PATENT  
AND TRADEMARK OFFICE ERROR

Sir:

Pursuant to Section 7(f) of the Trademark Office Act of 1946 and 37 C.F.R. §2.174, it is requested that a Certificate of Correction be issued to show the correct address of Registrant. A Notice of Change in Applicant's Address was filed, along with the Statement of Use for this mark, on October 29, 1998. The new address for Registrant is Vernon House, 40 Shaftsbury Avenue, London W1V 7DD, United Kingdom as indicated in the Notice.

The original Certificate of Registration is enclosed, along with copies of the Notice in Change of Applicant's Address, as filed, and the return post card, stamped with date of receipt by the Patent and Trademark Office.

Date: New York, New York  
March 29, 1999

Respectfully submitted,

M. Graham Coleman, 2d, Esq.  
Attorneys for Registrant  
Kay Collyer & Boose LLP  
One Dag Hammarskjold Plaza  
New York, New York 10017  
(212) 940-8376

CD

**CERTIFICATE OF CORRECTION**

---

REGISTERED: March 9, 1999    REGISTRATION NO. 2,231,032

**AGATHA CHRISTIE LIMITED**

It is hereby certified that the above identified registration is in error  
requiring correction as follows:

In the statement, Column 1, line 4,

**Shaftesburg**

should be deleted, and,

**Shaftsbury**

Should be inserted.

In the statement, Column 1, line 5,

"England"

should be deleted, and

**United Kingdom**

should be inserted.

The said registration should be read as corrected above.

Signed and sealed this 26 day of Oct 19 99.

(SEAL)

Commissioner

ATTEST

ATTESTING OFFICER

BJH

STMT NUMBER	TOTAL MARKS	LIVE VIEWED	DEAD VIEWED	SEARCH
01	36	19	17	PHRASCH :agath:
02	1926	0	0	:christ:
03	8	6	2	1&2
04	903	0	0	PHRASCH :christi:~:christe:~:christy:
05	158	158	0	PHRASCH (4~christian:~)~dead/ld

TERMINAL SESSION STARTED 06/03/96 8:08 A.M. (EASTERN TIME)

TERMINAL SESSION FINISHED 06/03/96 8:15 A.M. (EASTERN TIME)

ELAPSED TIME THIS SESSION 0 HRS AND 7 MIN

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2004-05-20 12:25:37 ET**

**Serial Number: 76132122**

**Registration Number: 2630156**

**Mark**



**(words only): JRRT TOLKIEN**

**Standard Character claim: No**

**Current Status: Registered.**

**Date of Status: 2002-10-08**

**Filing Date: 2000-09-20**

**Transformed into a National Application: No**

**Registration Date: 2002-10-08**

**Register: Principal**

**Law Office Assigned: LAW OFFICE 106**

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location: 900 -Warehouse (Newington)**

**Date In Location: 2004-05-14**

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

**1. J.R.R. Tolkien Estate Limited, The**

**Address:**

J.R.R. Tolkien Estate Limited, The  
3 Worcester Street  
Oxford OX1 2PZ  
United Kingdom

**Legal Entity Type:** PRIVATE COMPANY  
**State or Country Where Organized:** United Kingdom

---

**GOODS AND/OR SERVICES**

---

series of fiction books  
**International Class:** 016  
**First Use Date:** 1988-10-00  
**First Use in Commerce Date:** 1988-10-00

**Basis:** 1(a)

---

**ADDITIONAL INFORMATION**

---

**Name Portrait Consent:** The name does not identify a particular living individual.

**Translation:** The mark consists, in part, of a stylized representation of the letters "J", "R", "R" and "T".

**Prior Registration Number(s):**  
1756742

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2002-10-08 - Registered - Principal Register  
2002-07-16 - Published for opposition  
2002-06-26 - Notice of publication  
2001-10-31 - Approved for Pub - Principal Register (Initial exam)  
2001-03-26 - Communication received from applicant  
2001-03-06 - Non-final action mailed  
2001-03-05 - Case file assigned to examining attorney

---

**CONTACT INFORMATION**

---

**Correspondent (Owner)**  
GABRIELLE V DAVIS (Attorney of record)

GABRIELLE V DAVIS  
KAY COLLYER & BOOSE LLP  
1 DAG HAMMARSKJOLD PLZ

NEW YORK NY 10017-2201

**Domestic Representative**  
Kay Collyer & Boose LLP

---

**FILING DATE**

September 20, 2000

**ORIGINAL APPLICANT**

The J.R.R. Tolkien Estate Limited

**GOODS/SERVICES (CLASS 016)**

printed matter and books, namely works o (ETC)

**FILING BASIS**ITU  
USE**ORIGINAL CORRESPONDENT**

KAY COLLYER &amp; BOOSE LLP

Roger Bora

ATTORNEY ADVISOR:

Approved for Publication (Principal Register) (Signature/Date)

*R. B. B.*  
10/29/01

Approved for Registration (Section 1(d)) (Signature/Date)

Approved for Registration (Supplemental Register) (Signature/Date)

PUBLISHED  
07/16/02

NOA



Abandoned

(Date)



	Date	Initials
1. <i>Amelia A</i>	<i>MAR 6 2001</i>	<i>BMM</i>
2. <i>Amelia A</i>	<i>3-26-01</i>	
3. _____		
4. <i>NOP</i>		
5. <i>7/16/02</i>		
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29. _____		
30. _____		

**Int. Cl.: 16**

**Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50**

**United States Patent and Trademark Office**

**Reg. No. 2,630,156**

**Registered Oct. 8, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**



J.R.R. TOLKIEN ESTATE LIMITED, THE (UNITED KINGDOM PRIVATE COMPANY)  
3 WORCESTER STREET  
OXFORD, ENGLAND OX1 2PZ

FOR: SERIES OF FICTION BOOKS, IN CLASS 16  
(U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 10-0-1988; IN COMMERCE 10-0-1988.

OWNER OF U.S. REG. NO. 1,756,742.

THE NAME DOES NOT IDENTIFY A PARTICULAR LIVING INDIVIDUAL.

THE MARK CONSISTS, IN PART, OF A STYLIZED REPRESENTATION OF THE LETTERS "J", "R", "R" AND "T".

SER. NO. 76-132,122, FILED 9-20-2000.

ROGER BORA, EXAMINING ATTORNEY

76132122

TRADEMARK APPLICATION SERIAL NO.     

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

09/26/2000 AJONES2 00000042 76132122

01 FC:361 325.00 OP

KAY COLLYER & BOOSE LLP

ONE DAG HAMMARSKJOLD PLAZA

NEW YORK, N.Y. 10017-2299

(212) 940-8200

TELECOPIER: (212) 755-0921

WRITER'S DIRECT DIAL NUMBER

(212) 940-8321

September 20, 2000

**Express Mail Label No. EL300801027US**

Assistant Commissioner for Trademarks

Box: NEW APP FEE

2900 Crystal Drive

Arlington, VA 22202-3513

CERTIFICATE OF EXPRESS MAIL Label No. EL300801027US

I, Candida J. Hinton hereby certify that this correspondence is addressed to Assistant Commissioner for Trademarks-BOX EW APP FEE, 2900 Crystal Drive, Arlington, VA 22202-3513, and is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on September 20, 2000.

  
Signature

September 20, 2000  
Date of Signature

Applicant: The J.R.R. Tolkien Estate Limited  
Filing Date: September 20, 2000  
Mark: TOLKIEN + Miscellaneous Design  
International Class: 16

**Transmittal Letter**

Dear Sir/Madam:

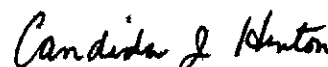
On behalf of Applicant, we enclose the following documents:

- 1) Transmittal Letter;
- 2) Application to register the mark TOLKIEN + Miscellaneous Design (Use Based);
- 3) Specimens (3);
- 4) Check No. 46477 for filing in Class 16;
- 5) Certificate of Mailing by Express Mail (Label No. EL300801027US); and
- 6) Postcard receipt.

Please return the post card stamped with the date of receipt, and please call if you have any questions. Thank you.

Sincerely,

KAY COLLYER & BOOSE LLP

  
Candida J. Hinton  
Intellectual Property Administrator

Encls.

cc: Gabrielle V. Davis, Esq.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: The J.R.R. Tolkien Estate Limited  
Trademark: **TOLKIEN + Miscellaneous Design**  
Class: 16  
Date of First Use: October, 1998

Date of First Use in  
Interstate Commerce: October, 1998

Assistant Commissioner for Trademarks  
Box NEW APP FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

Sir:

The J.R.R. Tolkien Estate Limited ("Applicant") is U.K. private company, organized and existing under the laws of England and Wales, with its principal place of business at 3 Worcester Street, Oxford OX1 2PZ, England.

Applicant has adopted and is using the trademark shown in the accompanying drawing for "printed matter and books, namely works of fiction" in International Class 16 and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register, pursuant to the Lanham Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended).

The mark was first used on or about October, 1988 ; was first used in interstate commerce on October, 1988; and is presently in use in such commerce.

The mark is used on the goods by affixing it directly onto said goods or the packaging of said books and printed material. Three (3) specimens showing the mark as actually used are presented herewith.

Kay Collyer & Boose LLP and/or Gabrielle V. Davis, Esq. and/or Jeremy Nussbaum, Esq. each of One Dag Hammar skjold Plaza, New York, New York 10017, being members of the Bar of the State of New York, are hereby appointed to prosecute this application, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Certificate of Registration.